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LAWS

OF THE

UNITED STATES

OF

AMERICA.

IN THREE VOLUMES.

VOL. I.

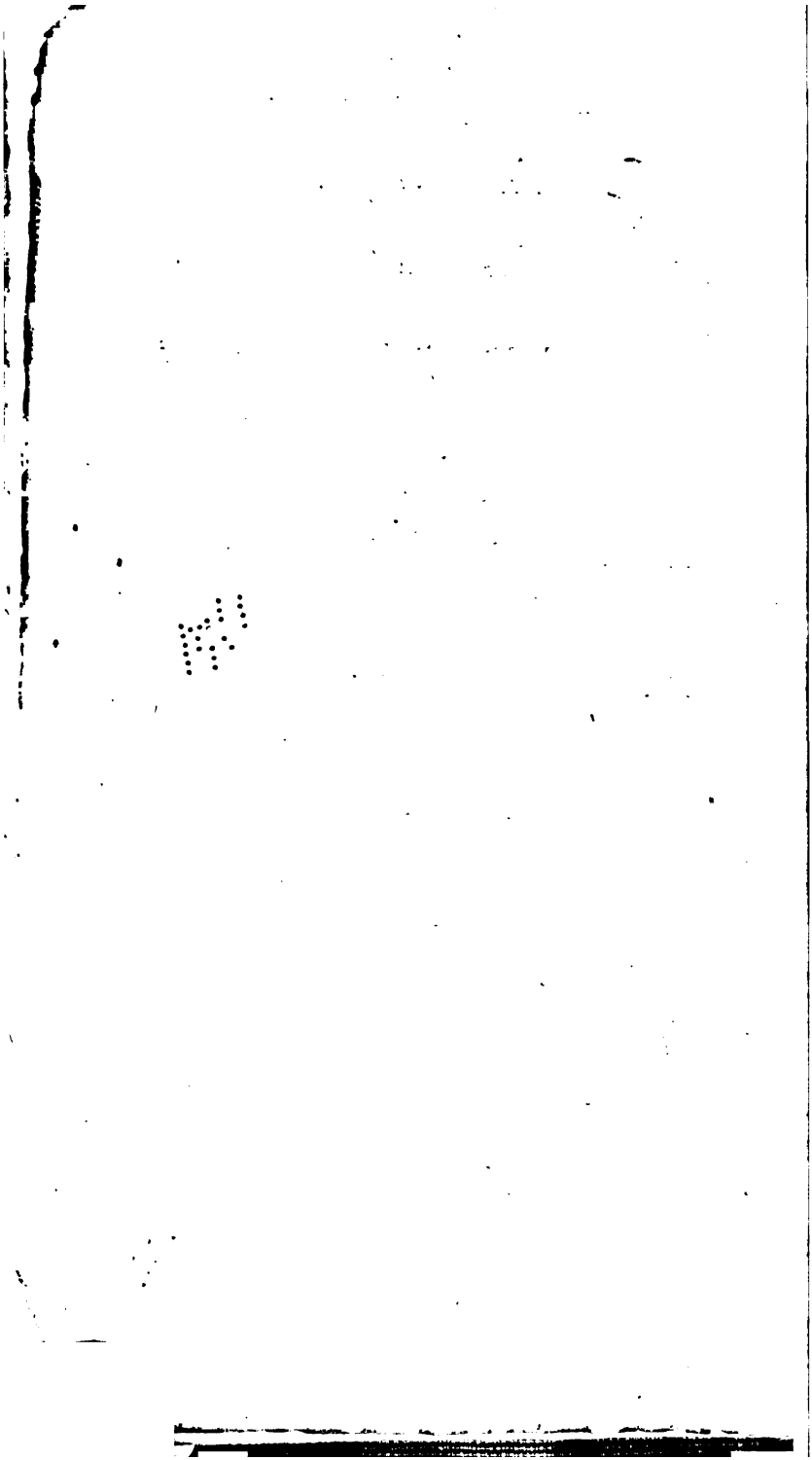
PUBLISHED BY AUTHORITY.

PHILADELPHIA:

PRINTED BY RICHARD FOLWELL,

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1796.





THE CONSTITUTION OF THE United States of America.



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CONSTITUTION

OF THE

UNITED STATES.

WE, The People of the United States, in order to form a more perfect Union, eſtabliſh Juſtice, inſure domeſtic Tranquility, provide for the common Defence, promote the general Welfare, and ſecure the Bleſſings of Liberty to ourſelves and our Poſterity, DO ORDAIN AND ESTABLISH this CONSTITUTION for the UNITED STATES of AMERICA.

ARTICLE I.

Sect. 1. ALL legiſlative powers herein granted, ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Sect. 2. The Houſe of Repreſentatives ſhall be compoſed of members choſen every ſecond year by the people of the ſeveral ſtates; and the electors in each ſtate ſhall have the qualifications requiſite for electors of the moſt numerous branch of the ſtate legiſlature.

No perſon ſhall be a Repreſentative who ſhall not have attained to the age of twenty-five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate in which he ſhall be choſen.

Repreſentatives and direct taxes ſhall be apportion-

ed among the ſeveral ſtates which may be included within this Union, according to their reſpective numbers, which ſhall be determined by adding to the whole number of free perſons, including thoſe bound to ſervice for a term of years, and excluding Indians not taxed, three-fifths of all other perſons. The actual enumeration ſhall be made within three years after the firſt meeting of the Congreſs of the United States, and within every ſubſequent term of ten years, in ſuch manner as they ſhall by law direct. The number of Repreſentatives ſhall not exceed one for every thirty thouſand, but each ſtate ſhall have at leaſt one Repreſentative; and until ſuch enumeration ſhall be made, the ſtate of New-Hampſhire ſhall be entitled to chuſe three; Maſſachuſetts, eight; Rhode-Iſland and Providence Plantations, one; Connecticut, five; New-York, ſix; New-Jerſey, four; Pennſylvania, eight; Delaware, one; Maryland, ſix; Virginia, ten; North-Carolina, five; South-Carolina, five; and Georgia, three.

When vacancies happen in the repreſentation from any ſtate, the executive authority thereof ſhall iſſue writs of election to fill ſuch vacancies.

The Houſe of Repreſentatives ſhall chuſe their Speaker and other officers; and ſhall have the ſole power of impeachment.

Sect. 3. The Senate of the United States ſhall be compoſed of two Senators from each ſtate, choſen by the legiſlature thereof, for ſix years; and each Senator ſhall have one vote.

Immediately after they ſhall be aſſembled, in conſequence of the firſt election, they ſhall be divided as equally as may be into three claſſes. The ſeats of the Senators of the firſt claſs ſhall be vacated at the expiration of the ſecond year, of the ſecond claſs at the expiration of the fourth year, and of the third claſs at the expiration of the ſixth year, ſo that one-third may be choſen every ſecond year; and if vacancies happen by reſignation, or otherwiſe, during the receſs of the legiſlature of any ſtate, the executive thereof may make temporary

appointments until the next meeting of the legiſlature, which ſhall then fill ſuch vacancies.

No perſon ſhall be a Senator who ſhall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who ſhall not when elected, be an inhabitant of that ſtate for which he ſhall be choſen.

The Vice-Preſident of the United States ſhall be Preſident of the Senate, but ſhall have no vote, unleſs they be equally divided.

The Senate ſhall chuſe their other officers, and alſo a Preſident *Pro Tempore*, in the abſence of the Vice-Preſident, or when he ſhall exerciſe the office of Preſident of the United States.

The Senate ſhall have the ſole power to try all impeachments. When ſitting for that purpoſe, they ſhall be on oath or affirmation. When the Preſident of the United States is tried, the Chief Juſtice ſhall preſide: and no perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

Judgment in caſes of impeachment ſhall not extend further than to removal from office, and diſqualification to hold and enjoy any office of honor, truſt or profit under the United States; but the party convicted ſhall nevertheleſs be liable and ſubject to indictment, trial, judgment and puniſhment according to law.

Sect. 4. The times, places and manner of holding elections for Senators and Repreſentatives, ſhall be preſcribed in each ſtate by the legiſlature thereof: But the Congreſs may at any time by law make or alter ſuch regulations, except as to the places of chuſing Senators.

The Congreſs ſhall aſſemble at leaſt once in every year, and ſuch meeting ſhall be on the firſt Monday in December, unleſs they ſhall by law appoint a different day.

Sect. 5. Each Houſe ſhall be the judge of the elections, returns and qualifications of its own members, and a majority of each ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authorized to compel the attendance

of abſent members, in ſuch manner, and under ſuch penalties, as each Houſe may provide.

Each Houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each Houſe ſhall keep a journal of its proceedings, and from time to time publiſh the ſame, excepting ſuch parts as may, in their judgment, require ſecrecy; and the yeas and nays of the members of either Houſe on any queſtion, ſhall, at the deſire of one-fifth of thoſe preſent, be entered on the journal.

Neither Houſe, during the ſeſſion of Congreſs, ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two Houſes ſhall be ſitting.

Sect. 6. The Senators and Repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the United States. They ſhall in all caſes, except treaſon, felony and breach of the peace, be privileged from arreſt during their attendance at the ſeſſion of their reſpective Houſes, and in going to or returning from the ſame; and for any ſpeech or debate in either Houſe, they ſhall not be queſtioned in any other place.

No Senator or Repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which ſhall have been created, or the emoluments whereof ſhall have been encreaſed during ſuch time; and no perſon holding any office under the United States, ſhall be a member of either Houſe during his continuance in office.

Sect. 7. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe or concur with amendments as on other bills.

Every bill which ſhall have paſſed the Houſe of Repreſentatives and the Senate, ſhall, before it become a law, be preſented to the Preſident of the United States: If he approve he ſhall ſign it; but if not he ſhall return it, with his objections, to that Houſe in which it ſhall

have originated, who ſhall enter the objections at large on their journal, and proceed to reconſider it. If after ſuch reconſideration, two-thirds of that Houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other Houſe, by which it ſhall likewiſe be reconſidered, and if approved by two-thirds of that Houſe, it ſhall become a law. But in all ſuch caſes, the votes of both Houſes ſhall be determined by yeas and nays; and the names of the perſons voting for and againſt the bill, ſhall be entered on the journal of each Houſe reſpectively. If any bill ſhall not be returned by the Preſident within ten days (Sundays excepted) after it ſhall have been preſented to him, the ſame ſhall be a law, in like manner as if he had ſigned it, unleſs the Congreſs by their adjournment prevent its return, in which caſe it ſhall not be a law.

Every order, reſolution or vote to which the concurrence of the Senate and Houſe of Repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Preſident of the United States; and before the ſame ſhall take effect, ſhall be approved by him, or being diſapproved by him, ſhall be repaſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in the caſe of a bill.

Sect. 8. The Congreſs ſhall have power—

To lay and collect taxes, duties, impoſts and exciſes, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, impoſts and exciſes, ſhall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the ſeveral ſtates, and with the Indian tribes:

To eſtabliſh an uniform rule of naturalization, and uniform laws on the ſubject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the ſtandard of weights and meaſures:

To provide for the puniſhment of counterfeiting the ſecurities and current coin of the United States:

To eſtabliſh poſt-offices and poſt-roads:

To promote the progreſs of ſcience and uſeful arts, by ſecuring, for limited times, to authors and inventors, the excluſive right to their reſpective writings and diſcoveries:

To conſtitute tribunals inferior to the ſupreme court:

To define and puniſh piracies and felonies committed on the high ſeas, and offences againſt the law of nations:

To declare war, grant letters of marque and repriſal, and make rules concerning captures on land and water:

To raiſe and ſupport armies; but no appropriation of money to that uſe ſhall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and rugulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, ſuppreſs inſurrections and repel invaſions:

To provide for organizing, arming, and diſciplining the militia, and for governing ſuch part of them as may be employed in the ſervice of the United States, reſerving to the ſtates reſpectively, the appointment of the officers, and the authority of training the militia according to the diſcipline preſcribed by Congreſs:

To exerciſe excluſive leigſlation in all caſes whatſoever, over ſuch diſtrict (not exceeding ten miles ſquare) as may by ceſſion of particular ſtates, and the acceptance of Congreſs, become the ſeat of the government of the United States, and to exerciſe like authority over all places purchaſed by the conſent of the legiſlature of the ſtate in which the ſame ſhall be, for the erection of

forts, magazines, arſenals, dock-yards, and other needful buildings :—And " "

To make all laws which ſhall be neceſſary and proper for carrying into execution the foregoing powers, and all other powers veſted by this Conſtitution in the government of the United States, or in any department or officer thereof.

Sect. 9. The migration or importation of ſuch perſons as any of the ſtates now exiſting ſhall think proper to admit, ſhall not be prohibited by the Congreſs prior to the year one thouſand eight hundred and eight; but a tax or duty may be impoſed on ſuch importation, not exceeding ten dollars for each perſon.

The privilege of the writ of *habeas corpus* ſhall not be ſuſpended, unleſs when in caſes of rebellion or invaſion the public ſafety may require it.

No bill of attainder or *ex poſt facto* law ſhall be paſſed.

No capitation, or other direct tax ſhall be laid, unleſs in proportion to the *cenſus* or enumeration herein before directed to be taken.

No tax or duty ſhall be laid on articles exported from any ſtate. No preference ſhall be given by any regulation of commerce or revenue to the ports of one ſtate over thoſe of another: Nor ſhall veſſels bound to, or from, one ſtate be obliged to enter, clear, or pay duties in another.

No money ſhall be drawn from the treaſury, but in conſequence of appropriations made by law; and a regular ſtatement and account of the receipts and expenditures of all public money ſhall be publiſhed from time to time.

No title of nobility ſhall be granted by the United States: and no perſon holding any office of profit or truſt under them, ſhall, without the conſent of the Congreſs, accept of any preſent, emolument, office, or title of any kind whatever, from any king, prince or foreign ſtate.

Sect. 10. No ſtate ſhall enter into any treaty, alliance

or confederation; grant letters of marque and repriſal; coin money; emit bills of credit; make any thing but gold and ſilver coin a tender in payment of debts; paſs any bill of attainder, *ex poſt facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No ſtate ſhall, without the conſent of the Congreſs, lay any impoſts or duties on imports or exports, except what may be abſolutely neceſſary for executing its inſpection laws; and the net produce of all duties and impoſts, laid by any ſtate on imports or exports, ſhall be for the uſe of the treaſury of the United States; and all ſuch laws ſhall be ſubject to the reviſion and controul of the Congreſs. No ſtate ſhall, without the conſent of Congreſs, lay any duty of tonnage, keep troops, or ſhips of war in time of peace, enter into any agreement or compact with another ſtate, or with a foreign power, or engage in war, unleſs actually invaded, or in ſuch imminent danger as will not admit of delay.

ARTICLE II.

Sect. 1. The executive power ſhall be veſted in a Preſident of the United States of America. He ſhall hold his office during the term of four years, and, together with the Vice-Preſident, choſen for the ſame term, be elected as follows:

Each ſtate ſhall appoint, in ſuch manner as the legiſlature thereof may direct, a number of electors, equal to the whole number of Senators and Repreſentatives to which the ſtate may be entitled in the Congreſs; but no Senator or Repreſentative, or perſon holding an office of truſt or profit under the United States, ſhall be appointed an elector.

The electors ſhall meet in their reſpective ſtates, and vote by ballot for two perſons, of whom one at leaſt ſhall not be an inhabitant of the ſame ſtate with themſelves. And they ſhall make a liſt of all the perſons voted for, and of the number of votes for each; which liſt they ſhall ſign and certify, and tranſmit, ſealed, to

the ſeat of the government of the United States, directed to the Preſident of the Senate. The Preſident of the Senate ſhall, in the preſence of the Senate and Houſe of Repreſentatives, open all the certificates, and the votes ſhall then be counted. The perſon having the greateſt number of votes ſhall be the Preſident, if ſuch number be a majority of the whole number of electors appointed; and if there be more than one who have ſuch majority, and have an equal number of votes, then the Houſe of Repreſentatives ſhall immediately chuſe by ballot one of them for Preſident; and if no perſon have a majority, then from the five higheſt on the liſt the ſaid Houſe ſhall in like manner chuſe the Preſident. But in chuſing the Preſident, the votes ſhall be taken by ſtates, the repreſentation from each ſtate having one vote; a quorum for this purpoſe ſhall conſiſt of a member or members from two-thirds of the ſtates, and a majority of all the ſtates ſhall be neceſſary to a choice. In every caſe, after the choice of the Preſident, the perſon having the greateſt number of votes of the electors ſhall be the Vice-Preſident. But if there ſhould remain two or more who have equal votes, the Senate ſhall chuſe from them by ballot the Vice-Preſident.

The Congreſs may determine the time of chuſing the electors, and the day on which they ſhall give their votes; which day ſhall be the ſame throughout the United States.

No perſon except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Conſtitution, ſhall be eligible to the office of Preſident; neither ſhall any perſon be eligible to that office who ſhall not have attained to the age of thirty-five years, and been fourteen years a reſident within the United States.

In caſe of the removal of the Preſident from office, or of his death, reſignation, or inability to diſcharge the powers and duties of the ſaid office, the ſame ſhall devolve on the Vice-Preſident; and the Congreſs may by

law provide for the caſe of removal, death, reſignation, or inability, both of the Preſident and Vice-Preſident, declaring what officer ſhall then act as Preſident; and ſuch officer ſhall act accordingly, until the diſability be removed, or a Preſident ſhall be elected.

The Preſident ſhall, at ſtated times, receive for his ſervices, a compenſation, which ſhall neither be increaſed nor diminiſhed during the period for which he ſhall have been elected; and he ſhall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he ſhall take the following oath or affirmation:

"I do ſolemnly ſwear (or affirm) that I will faithfully execute the office of Preſident of the United States; and will, to the beſt of my ability, preſerve, protect and defend the Conſtitution of the United States."

Sect. 2. The Preſident ſhall be commander in chief of the army and navy of the United States, and of the militia of the ſeveral ſtates, when called into the actual ſervice of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any ſubject relating to the duties of their reſpective offices, and he ſhall have power to grant reprieves and pardons for offences againſt the United States, except in caſes of impeachment.

He ſhall have power, by and with the advice and conſent of the Senate, to make treaties, provided two-thirds of the Senators preſent concur; and he ſhall nominate, and by and with the advice and conſent of the Senate, ſhall appoint ambaſſadors, other public miniſters and conſuls, judges of the ſupreme court, and all other officers of the United States, whoſe appointments are not herein otherwiſe provided for, and which ſhall be eſtabliſhed by law. But the Congreſs may by law veſt the appointment of ſuch inferior officers, as they think proper, in the Preſident alone, in the courts of law, or in the heads of departments.

The Preſident ſhall have power to fill up all vacancies that may happen during the receſs of the Senate, by granting commiſſions which ſhall expire at the end of their next ſeſſion.

Sect. 3. He ſhall from time to time give to the Congreſs imformation of the ſtate of the Union, and recommend to their conſideration ſuch meaſures as he ſhall judge neceſſary and expedient: He may, on extraordinary occaſions, convene both Houſes, or either of them; and in caſe of diſagreement between them, with reſpect to the time of adjournment, he may adjourn them to ſuch time as he ſhall think proper: He ſhall receive ambaſſadors and other public miniſters: He ſhall take care that the laws be faithfully executed, and ſhall commiſſion all the officers of the United States.

Sect. 4. The Preſident, Vice-Preſident, and all civil officers of the United States, ſhall be removed from office on impeachment for, and conviction of, treaſon, bribery, or other high crimes and miſdemeanors.

ARTICLE III.

Sect. 1. The judicial power of the United States, ſhall be veſted in one ſupreme court, and in ſuch inferior courts as the Congreſs may from time to time ordain and eſtabliſh. The judges, both of the ſupreme and inferior court, ſhall hold their offices during good behaviour; and ſhall, at ſtated times, receive for their ſervices, a compenſation, which ſhall not be diminiſhed during their continuance in office.

Sect. 2. The judicial power ſhall extend to all caſes, in law and equity, ariſing under this Conſtitution, the laws of the United States, and treaties made, or which ſhall be made, under their authority; to all caſes affecting ambaſſadors, other public miniſters, and conſuls; to all caſes of admiralty and maritime juriſdiction; to controverſies to which the United States ſhall be party; to controverſies between two or more ſtates,

between a ſtate and citizens of another ſtate, between citizens of different ſtates, between citizens of the ſame ſtate, claiming lands under grants of different ſtates, and between a ſtate, or the citizens thereof, and foreign ſtates, citizens, or ſubjects.

In all caſes, affecting ambaſſadors, other public miniſters, and conſuls, and thoſe in which a ſtate ſhall be party, the ſupreme court ſhall have original juriſdiction. In all the other caſes before mentioned, the ſupreme court ſhall have appellate juriſdiction, both as to law and fact, with ſuch exceptions, and under ſuch regulations, as the Congreſs ſhall make.

The trial of all crimes, except in caſes of impeachment, ſhall be by jury: and ſuch trial ſhall be held in the ſtate where the ſaid crimes ſhall have been committed; but when not committed within any ſtate, the trial ſhall be at ſuch place or places, as the Congreſs may by law have directed.

Sect. 3. Treaſon againſt the United States, ſhall conſiſt only in levying war againſt them, or in adhering to their enemies, giving them aid and comfort. No perſon ſhall be convicted of treaſon unleſs on the teſtimony of two witneſſes to the ſame overt act, or on confeſſion in open court.

The Congreſs ſhall have power to declare the puniſhment of treaſon: but no attainder of treaſon ſhall work corruption of blood, or forfeiture, except during the life of the perſon attainted.

ARTICLE IV.

Sect. 1. Full faith and credit ſhall be given, in each ſtate, to the public acts, records, and judicial proceedings of every other ſtate. And the Congreſs may, by general laws, preſcribe the manner in which ſuch acts, records, and proceedings ſhall be proved, and the effect thereof.

Sect. 2. The citizens of each ſtate ſhall be entitled to all privileges and immunities of citizens in the ſeveral ſtates.

A perſon charged in any ſtate with treaſon, felony, or other crime, who ſhall flee from juſtice, and be found in another ſtate, ſhall, on demand of the executive authority of the ſtate from which he fled, be delivered up, to be removed to the ſtate having juriſdiction of the crime.

No perſon, held to ſervice or labour in one ſtate, under the laws thereof, eſcaping into another, ſhall, in conſequence of any law or regulation therein, be diſcharged from ſuch ſervice or labour; but ſhall be delivered up on claim of the party to whom ſuch ſervice or labour may be due.

Sect. 3. New ſtates may be admitted by the Congreſs into this union; but no new ſtate ſhall be formed or erected within the juriſdiction of any other ſtate; nor any ſtate be formed by the junction of two or more ſtates, or parts of ſtates, without the conſent of the legiſlatures of the ſtates concerned, as well as of the Congreſs.

The Congreſs ſhall have power to diſpoſe of, and make all needful rules and regulations reſpecting the territory or other property belonging to the United States: and nothing in this conſtitution ſhall be ſo conſtrued, as to prejudice any claims of the United States, or of any particular ſtate.

Sect. 4. The United States ſhall guarantee to every ſtate in this union, a republican form of government; and ſhall protect each of them againſt invaſion; and on application of the legiſlature, or of the executive (when the legiſlature cannot be convened) againſt domeſtic violence.

ARTICLE V.

The Congreſs, whenever two-thirds of both Houſes ſhall deem it neceſſary, ſhall propoſe amendments to this conſtitution, or, on the application of the legiſlatures of two-thirds of the ſeveral ſtates, ſhall call a convention for propoſing amendments, which, in either caſe, ſhall be valid, to all intents and purpoſes, as part

of this conſtitution, when ratified by the legiſlatures of three-fourths of the ſeveral ſtates, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be propoſed by the Congreſs; provided, that no amendment, which may be made prior to the year one thouſand eight hundred and eight, ſhall in any manner affect the firſt and fourth clauſes in the ninth ſection of the firſt article; and that no ſtate, without its conſent, ſhall be deprived of its equal ſuffrage in the ſenate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this conſtitution, ſhall be as valid againſt the United States, under this conſtitution, as under the confederation.

This conſtitution, and the laws of the United States which ſhall be made in purſuance thereof, and all treaties made, or which ſhall be made, under the authority of the United States, ſhall be the ſupreme law of the land; and the judges, in every ſtate, ſhall be bound thereby, any thing in the conſtitution or laws of any ſtate to the contrary notwithſtanding.

The Senators and Repreſentatives before mentioned, and the members of the ſeveral ſtate legiſlatures, and all executive and judicial officers, both of the United States and of the ſeveral ſtates, ſhall be bound, by oath or affirmation, to ſupport this conſtitution; but no religious teſt ſhall ever be required as a qualification to any office or public truſt under the United States.

ARTICLE VII.

The ratification of the conventions of nine ſtates, ſhall be ſufficient for the eſtabliſhment of this conſtitution between the ſtates ſo ratifying the ſame.

Done in convention, by the unanimous conſent of the ſtates preſent, the ſeventeenth day of September, in the year of

our Lord one thouſand ſeven hundred and eighty-ſeven, and of the independence of the United States of America the twelfth. In witneſs whereof, we have hereunto ſubſcribed our names.

GEORGE WASHINGTON,
Preſident, and Deputy from Virginia.

New-Hampſhire,	John Langdon, Nicholas Gilman.
Maſſachuſetts,	Nathaniel Gorham, Rufus King.
Connecticut,	William Samuel Johnſon, Roger Sherman.
New-York,	Alexander Hamilton.
New-Jerſey,	William Livingſton, David Brearley, William Paterſon, Jonathan Dayton.
Pennſylvania,	Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzſimons, Jared Ingerſol, James Wilſon, Gouverneur Morris.
Delaware,	George Reed, Gunning Bedford, junior, John Dickinſon, Richard Baſſett, Jacob Broom.
Maryland,	James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.
Virginia,	John Blair, James Madiſon, junior.

North-Carolina,	William Blount, Richard Dobbs Spaight, Hugh Williamſon.
South-Carolina,	John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
Georgia,	William Few, Abraham Baldwin.

Atteſt: WILLIAM JACKSON, *Secretary.*

IN CONVENTION,

Monday, September 17, 1787.

PRESENT,

THE STATES OF NEW-HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, MR. HAMILTON, FROM NEW YORK, NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CAROLINA, AND GEORGIA:

Resolved,

THAT the preceding conſtitution be laid before the United States in Congreſs aſſembled, and that it is the opinion of this convention, that it ſhould afterwards be ſubmitted to a convention of Delegates, choſen in each ſtate by the people thereof, under the recommendation of its legiſlature, for their aſſent and ratification; and that each convention aſſenting to, and ratifying the ſame, ſhould give notice thereof to the United States in Congreſs aſſembled.

Reſolved, That it is the opinion of this convention, that as ſoon as the conventions of nine ſtates ſhall have ratified this conſtitution, the United States in Congreſs aſſembled ſhould fix a day on which electors ſhould be appointed by the ſtates which ſhall have ratified the ſame, and a day on which the electors ſhould aſſemble to vote for the Preſident, and the time and place for

commencing proceedings under this conſtitution. That after ſuch publication, the electors ſhould be appointed, and the Senators and Repreſentatives elected. That the electors ſhould meet on the day fixed for the election of the Preſident, and ſhould tranſmit their votes, certified, ſigned, ſealed and directed, as the conſtitution requires, to the Secretary of the United States in Congreſs aſſembled. That the Senators and Repreſentatives ſhould convene at the time and place aſſigned. That the Senators ſhould appoint a Preſident of the Senate, for the ſole purpoſe of receiving, opening and counting the votes for Preſident; and, that after he ſhall be choſen, the Congreſs, together with the Preſident, ſhould, without delay, proceed to execute this conſtitution.

By the Unanimous Order of the Convention:

GEORGE WASHINGTON, *Preſident.*

WILLIAM JACKSON, *Secretary.*

IN CONVENTION,

September, 17, 1787.

SIR,

WE have now the honor to ſubmit to the conſideration of the United States in Congreſs aſſembled, that conſtitution which has appeared to us the moſt adviſable.

The friends of our country have long ſeen and deſired, that the power of making war, peace and treaties; that of levying money and regulating commerce, and the correſpondent executive and judicial authorities, ſhould be fully and effectually veſted in the general government of the Union: But the impropriety of delegating ſuch extenſive truſt to one body of men is evident—Hence reſults the neceſſity of a different organization.

It is obviouſly impracticable in the federal government of theſe ſtates, to ſecure all rights of independent ſovereignty to each, and yet provide for the intereſt and ſafety of all: Individuals entering into ſociety, muſt

give up a ſhare of liberty to preſerve the reſt. The magnitude of the ſacrifice muſt depend as well on ſituation and circumſtance, as on the object to be obtained. It is at all times difficult to draw with preciſion the line between thoſe rights which muſt be ſurrendered, and thoſe which may be reſerved; and on the preſent occaſion, this difficulty was encreaſed by a difference among the ſeveral ſtates as to their ſituation, extent, habits, and particular intereſts.

In all our deliberations on this ſubject we kept ſteadily in our view, that which appears to us the greateſt intereſt of every true American, the conſolidation of our Union, in which is involved our proſperity, felicity, ſafety, perhaps our national exiſtence. This important conſideration, ſeriouſly and deeply impreſſed on our minds, led each ſtate in the convention to be leſs rigid on points of inferior magnitude, than might have been otherwiſe expected; and thus the conſtitution, which we now preſent, is the reſult of a ſpirit of amity, and of that mutual deference and conceſſion which the peculiarity of our political ſituation rendered indiſpenſible.

That it will meet the full and entire approbation of every ſtate, is not perhaps to be expected; but each will doubtleſs conſider, that had her intereſt been alone conſulted, the conſequences might have been particularly diſagreeable or injurious to others; that it is liable to as few exceptions as could reaſonably have been expected, we hope and believe; that it may promote the laſting welfare of that country ſo dear to us all, and ſecure her freedom and happineſs, is our moſt ardent wiſh.

With great reſpect,
We have the Honor to be,
SIR,
Your Excellency's moſt
Obedient and humble Servants:
GEORGE WASHINGTON, *Preſident.*
By unanimous Order of the Convention.

His Excellency
THE PRESIDENT OF CONGRESS.

A C T S

PASSED AT THE

FIRST SESSION

OF THE

FIRST CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF NEW-YORK,

On Wednesday the Fourth of March,

IN THE YEAR M,DCC,LXXXIX:

AND OF THE

Independence of the United States

THE THIRTEENTH.

ACTS OF CONGRESS.

CHAPTER I.

An Act to regulate the Time and Manner of administering certain Oaths.

Section 1. BE *it enacted by the Senate and Representatives of the United States of America in Congress assembled*, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit, "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the Secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the Clerk: And in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

Oath to support the constitution.

the form of.

To be administered to the president, members and secretary of senate, and to members and clerk of the house of representatives.

Sec. 2. *And be it further enacted*, That at the first session of Congress after every general election of Representatives, the oath or affirmation

To members of senate and house of representatives hereafter elected & when.

aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the Clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: And in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

To members of state legislatures, and to all executive & judicial officers of the several states.

Sec. 3. *And be it further enacted*, That the members of the several state legislatures, at the next sessions of the said legislatures respectively, and all executive and judicial officers of the several states, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorised by the law of the state, in which such office shall be holden, to administer oaths. And the members of the several state legislatures, and all executive and judicial officers of the several states, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the state shall be authorised to administer the oath of office; and the person or persons so administering the oath hereby required to be taken,

and when.

ſhall cauſe a record or certificate thereof to be made, in the ſame manner, as by the law of the ſtate, he or they, ſhall be directed to record or certify the oath of office.

To all officers of the U. States, appointed or to be appointed before they act.

Sec. 4. *And be it further enacted*, That all officers appointed, or hereafter to be appointed under the authority of the United States, ſhall, before they act in their reſpective offices, take the ſame oath or affirmation, which ſhall be adminiſtered by the perſon or perſons who ſhall be authoriſed by law to adminiſter to ſuch officers their reſpective oaths of office; and ſuch officers ſhall incur the ſame penalties in caſe of failure, as ſhall be impoſed by law in caſe of failure in taking their reſpective oaths of office.

Oath of office, ſecret'y of ſenate & clerk of the houſe of repreſentatives.

Sect. 5. *And be it further enacted*, That the Secretary of the Senate, and the Clerk of the Houſe of Repreſentatives for the time being, ſhall, at the time of taking the oath or affirmation aforeſaid, each take an oath or affirmation in the words following, to wit; "I, A. B. Secretary of the Senate, or Clerk of the Houſe of Repreſentatives (as the caſe may be) of the United States of America, do ſolemnly ſwear or affirm, that I will truly and faithfully diſcharge the duties of my ſaid office, to the beſt of my knowledge and abilities.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States and Preſident of the Senate.*

Approved, June 1, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER II.

An Act for laying a Duty on Goods, Wares, and Merchandizes imported into the United States.

(REPEALED.)

CHAPTER III.

An Act impoſing Duties on Tonnage.

(REPEALED.)

CHAPTER IV.

An Act for eſtabliſhing an Executive Department, to be denominated the Department of Foreign Affairs.

(REPEALED.)

CHAPTER V.

An Act to regulate the Collection of the Duties impoſed by Law on the Tonnage of Ships or Veſſels, and on Goods, Wares and Merchandizes imported into the United States.

(REPEALED.)

CHAPTER VI.

An Act for ſettling the Accounts between the United States and individual States.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That the Preſident of the United States be, and he hereby is empowered to nominate, and by and with the advice and conſent of the Senate, to appoint ſuch perſon or perſons as he may think proper for ſupplying any vacancy that now is, or may hereafter take place in the Board of Commiſſioners, eſtabliſhed by an ordinance of the late Congreſs, of the ſeventh of May, one thouſand ſeven hundred and eighty-ſeven, to carry into effect the ſaid ordinance and reſolutions of Congreſs, for the ſettlement of accounts between the United States and individual ſtates.

Vacancies in the board of commiſſioners, how to be ſupplied.

Sec. 2. *And be it further enacted,* That the ſaid Board of Commiſſioners be, and they hereby are empowered to appoint a chief clerk, and ſuch other clerks as the duties of their office may require; and that the pay of the ſaid chief clerk be ſix hundred dollars per annum, and of each other clerk four hundred dollars per annum.

Clerks to be appointed.

their ſalaries.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the 5th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER VII.

An Act to eſtabliſh an Executive Department, to be denominated the Department of War.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That there ſhall be an executive department, to be denominated the Department of War; and that there ſhall be a principal officer therein, to be called the Secretary for the Department of War, who ſhall perform and execute ſuch duties as ſhall from time to time be enjoined on, or entruſted to him by the Preſident of the United States, agreeably to the conſtitution, relative to military commiſſions, or to the land or naval forces, ſhips, or warlike ſtores of the United States, or to ſuch other matters reſpecting military or naval affairs, as the Preſident of the United States ſhall aſſign to the ſaid department, or relative to the granting of lands to perſons entitled thereto, for military ſervices rendered to the United States, or relative to Indian affairs: And furthermore, that the ſaid principal officer ſhall conduct the buſineſs of the ſaid department in ſuch manner, as the Preſident of the United States ſhall from time to time order or inſtruct.

Sec'ry for the department of war, his duty.

Sec. 2. *And be it further enacted,* That there ſhall be in the ſaid department, an inferior officer, to be appointed by the ſaid principal officer, to be employed therein as he ſhall deem proper, and to be called the chief clerk in the department of war, and who, whenever the ſaid principal officer ſhall be removed from office by the Preſident of the United States, or in any other caſe of vacancy, ſhall during ſuch vacancy, have the charge and cuſtody of all

Principal clerk, his duty.

records, books and papers, appertaining to the ſaid department.

Sec. 3. *And be it further enacted*, That the ſaid principal officer, and every other perſon to be appointed or employed in the ſaid department, ſhall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the truſt committed to him. Oath of office.

Sec. 4. *And be it further enacted*, That the Secretary for the Department of War, to be appointed in conſequence of this act, ſhall forthwith after his appointment, be entitled to have the cuſtody and charge of all records, books and papers in the office of Secretary for the Department of War, heretofore eſtabliſhed by the United States in Congreſs aſſembled. Sec'ry to take charge of papers, &c. of war department

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt 7th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER VIII.

An Act to provide for the Government of the Territory North-Weſt of the River Ohio.

Recital.

WHEREAS in order that the ordinance of the United States in Congreſs aſſembled, for the government of the territory north-weſt of the river Ohio may continue to have full effect, it is requiſite that certain proviſions ſhould be made, ſo as to adapt the ſame to the preſent conſtitution of the United States:

Governor to make communication to the Preſident of the United States.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That in all caſes in which by the ſaid ordinance, any information is to be given, or communication made by the Governor of the ſaid territory to the United States in Congreſs aſſembled, or to any of their officers, it ſhall be the duty of the ſaid Governor to give ſuch information and to make ſuch communication to the Preſident of the United States; and the Preſident ſhall nominate, and by and with the advice and conſent of the Senate, ſhall appoint all officers which by the ſaid ordinance were to have been appointed by the United States in Congreſs aſſembled, and all officers ſo appointed, ſhall be commiſſioned by him: and in all caſes where the United States in Congreſs aſſembled, might, by the ſaid ordinance, revoke any commiſſion or remove from any office, the Preſident is hereby declared to have the ſame powers of revocation and removal.

Officers, how to be appointed.

Commiſſioned and removed.

Sec. 2. *And be it further enacted*, That in caſe of the death, removal, reſignation, or neceſſary abſence of the Governor of the ſaid territory, the Secretary thereof ſhall be, and he

is hereby authoriſed and required to execute all the powers, and perform all the duties of the Governor, during the vacancy occaſioned by the removal, reſignation or neceſſary abſence of the ſaid Governor.

In caſes of death, removal, &c. ſecretary to execute the power of governor during ſuch vacancy.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the 7th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER IX.

An Act for the Eſtabliſhment and Support of Light-Houſes, Beacons, Buoys, and public Piers.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That all expences which ſhall accrue from and after the fifteenth day of Auguſt, one thouſand ſeven hundred and eighty-nine, in the neceſſary ſupport, maintenance and repairs of all light-houſes, beacons, buoys and public piers, erected, placed, or ſunk before the paſſing of this act, at the entrance of, or within any bay, inlet, harbour, or port of the United States, for rendering the navigation thereof eaſy and ſafe,

Expences after 15th Aug. 1789 to be defrayed out of treaſury of U. States

shall be defrayed out of the treasury of the United States: *Provided nevertheless*, That none of the said expences shall continue to be so defrayed by the United States, after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys and public piers, shall in the mean time be ceded to, and vested in the United States, by the state or states respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.

Provided a cession be made within one year.

Light house to be erected near entrance of Chesapeake Bay.

Sec. 2. *And be it further enacted*, That a light-house shall be erected near the entrance of the Chesapeake-Bay, at such place, when ceded to the United States in manner aforesaid, as the President of the United States shall direct.

Secretary of treasury to contract for building, repairing, &c. when necessary.

Sect. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the United States, for building a light-house near the entrance of Chesapeake-Bay; and for rebuilding when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several states, and for furnishing the same, with all necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President, for the superintendance and care of the same.

Pilots to be regulated by the existing laws of the respective states.

Sect. 4. *And be it further enacted*, That all pilots in the bays, inlets, rivers, harbours and ports of the United States, shall continue to be regulated in conformity with the existing laws of the states respectively wherein such pilots may be, or with such laws as the states may

reſpectively hereafter enact for the purpoſe, until further legiſlative proviſion ſhall be made by Congreſs.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the 7th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER X.

An Act providing for the Expences which may attend Negociations or Treaties with the Indian Tribes, and the Appointment of Commiſſioners for managing the ſame.

(EXPIRED.)

CHAPTER XI.

An Act for regiſtering and clearing Veſſels, regulating the Coaſting Trade, and for other Purpoſes.

(REPEALED.)

CHAPTER XII.

An Act to eſtabliſh the Treaſury Department.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That there ſhall be a department of Treaſury, in which ſhall be the following officers, namely; a Secretary of the Treaſury, to be deemed head of the department; a Comptroller, an Auditor, a Treaſurer, a Regiſter, and an Aſſiſtant to the Secretary of the Treaſury, which Aſſiſtant ſhall be appointed by the ſaid Secretary.

Department deſignated.

Officers therein.

Sec. 2. *And be it further enacted,* That it ſhall be the duty of the Secretary of the Treaſury to digeſt and prepare plans for the improvement and management of the revenue, and for the ſupport of public credit; to prepare and report eſtimates of the public revenue, and the public expenditures; to ſuperintend the collection of the revenue; to decide on the forms of keeping and ſtating accounts and making returns, and to grant under the limitations herein eſtabliſhed, or to be hereafter provided, all warrants for monies to be iſſued from the Treaſury, in purſuance of appropriations by law; to execute ſuch ſervices relative to the ſale of the lands belonging to the United States, as may be by law required of him; to make report, and give information to either branch of the Legiſlature, in perſon or in writing (as he may be required,) reſpecting all matters referred to him by the Senate or Houſe of Repreſentatives, or which ſhall appertain to his office; and generally to perform all ſuch ſervices relative to the finances, as he ſhall be directed to perform.

Duties of the ſecretary.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Comptroller to superintend the adjuſtment and preſervation of the public accounts; to examine all accounts ſettled by the Auditor, and certify the balances ariſing thereon to the Regiſter; to counterſign all warrants drawn by the Secretary of the Treaſury, which ſhall be warranted by law; to report to the Secretary the official forms of all papers to be iſſued in the different offices for collecting the public revenue, and the manner and form of keeping and ſtating the accounts of the ſeveral perſons employed therein: He ſhall moreover provide for the regular and punctual payment of all monies which may be collected, and ſhall direct proſecutions for all delinquencies of officers of the revenue, and for debts that are, or ſhall be due to the United States. Duties of the comptroller.

Sec. 4. *And be it further enacted*, That it ſhall be the duty of the Treaſurer to receive and keep the monies of the United States, and to diſburſe the ſame upon warrants drawn by the Secretary of the Treaſury, counterſigned by the Comptroller, recorded by the Regiſter, and not otherwiſe; he ſhall take receipts for all monies paid by him, and all receipts for monies received by him, ſhall be endorſed upon warrants ſigned by the Secretary of the Treaſury, without which warrant ſo ſigned, no acknowledgment for money received into the public treaſury ſhall be valid. And the ſaid Treaſurer ſhall render his accounts to the Comptroller quarterly (or oftener if required,) and ſhall tranſmit a copy thereof, when ſettled, to the Secretary of the treaſury. He ſhall moreover, on the third day of every ſeſſion of Congreſs, lay before the Senate and Houſe of Repreſentatives, fair and accurate copies of all Of the treaſurer.

Duties of the treaſurer. accounts by him from time to time rendered to, and ſettled with the Comptroller as aforeſaid, as alſo, a true and perfect account of the ſtate of the treaſury. He ſhall at all times ſubmit to the Secretary of the Treaſury, and the Comptroller, or either of them, the inſpection of the monies in his hands; and ſhall, prior to the entering upon the duties of his office, give bond, with ſufficient ſureties, to be approved by the Secretary of the Treaſury and Comptroller, in the ſum of one hundred and fifty thouſand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the perſons to be by him employed, which bond ſhall be lodged in the office of the Comptroller of the Treaſury of the United States.

Of the auditor. Sec. 5. *And be it further enacted*, That it ſhall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and tranſmit the accounts with the vouchers and certificate to the Comptroller for his deciſion thereon: *Provided*, That if any perſon whoſe account ſhall be ſo audited, be diſſatisfied therewith, he may within ſix months appeal to the Comptroller againſt ſuch ſettlement.

Of the regiſter. Sec. 6. *And be it further enacted*, That it ſhall be the duty of the Regiſter to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; to receive from the Comptroller the accounts which ſhall have been finally adjuſted, and to preſerve ſuch accounts with their vouchers and certificates: to record all warrants for the receipt or payment of monies at the treaſury, certify the ſame thereon,

and to tranſmit to the Secretary of the Treaſury, copies of the certificates of balances of accounts adjuſted as is herein directed.

Secretary removed, or his office vacant, aſſiſtant to have cuſtody of records, &c.

Sec. 7. *And be it further enacted*, That whenever the Secretary ſhall be removed from office by the Preſident of the United States, or in any other caſe of vacancy in the office of Secretary, the aſſiſtant ſhall, during the vacancy, have the charge and cuſtody of the records, books, and papers appertaining to the ſaid office.

Perſons appointed to office under this act,

prohibition upon,

Sec. 8. *And be it further enacted*, That no perſon appointed to any office inſtituted by this act, ſhall directly or indirectly be concerned or intereſted in carrying on the buſineſs of trade or commerce, or be owner in whole or in part of any ſea veſſel, or purchaſe by himſelf, or another in truſt for him, public lands or any other public property, or be concerned in the purchaſe or diſpoſal of any public ſecurities of any ſtate, or of the United States, or take or apply to his own uſe, any emolument or gain for negociating or tranſacting any buſineſs in the ſaid department, other than what ſhall be allowed by law; and if any perſon ſhall offend againſt any of the prohibitions of this act, he ſhall be deemed guilty of a high miſdemeanor, and forfeit to the United States the penalty of three thouſand dollars, and ſhall upon conviction be removed from office, and forever thereafter incapable of holding any office under the United States: *Provided*, That if any other perſon than a public proſecutor ſhall give information of any ſuch offence, upon which a proſecution and conviction ſhall be had, one half the aforeſaid penalty of three

And penalty for breach of them.

thouſand dollars, when recovered, ſhall be for the uſe of the perſon giving ſuch information.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, September the 2d, 1789:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XIII.

An Act for eſtabliſhing the Salaries of the Executive Officers of Government, with their Aſſiſtants and Clerks.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That there ſhall be allowed to the Officers hereafter mentioned, the following annual ſalaries, payable quarterly at the treaſury of the United States: To the Secretary of the Treaſury, three thouſand five hundred dollars: To the Secretary in the department of ſtate, three thouſand five hundred dollars: To the Secretary in the department of war, three thouſand dollars: To the Comptroller of the treaſury, two thouſand dollars: To the Auditor, fifteen hundred dollars: To the Treaſurer, two thouſand dollars: To the Regiſter, twelve hundred and fifty dollars: To the Governor of the weſtern territory, for his ſalary as ſuch, and for diſcharging the duties of ſuperintendant of Indian affairs in the northern department, two thouſand dollars: To the three judges of the weſtern territory, each

Annual ſalaries eſtabliſhed, payable quarterly;

rate of, and to what officers allowed.

eight hundred dollars: To the aſſiſtant of the Secretary of the Treaſury, fifteen hundred dollars: To the chief clerk in the department of ſtate, eight hundred dollars: To the chief clerk in the department of war, ſix hundred dollars: To the Secretary of the weſtern territory, ſeven hundred and fifty dollars: To the principal clerk of the Comptroller, eight hundred dollars: To the principal clerk of the Auditor, ſix hundred dollars: To the principal clerk of the Treaſurer, ſix hundred dollars.

Heads of departments to appoint clerks;

Sec. 2. *And be it further enacted*, That the heads of the three departments firſt above mentioned, ſhall appoint ſuch clerks therein reſpectively as they ſhall find neceſſary; and the ſalary of the ſaid clerks reſpectively ſhall not exceed the rate of five hundred dollars per annum.

their ſalaries,

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

Approved, September the 11th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XIV.

An Act to provide for the Safe-keeping of the Acts, Records, and Seal of the United States, and for other Purpoſes.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That the Executive Department, denominated

Department of foreign affairs changed to the department of ſtate.

the Department of Foreign Affairs, ſhall hereafter be denominated the Department of State, and the principal officer therein ſhall hereafter be called the Secretary of State.

Additional duties aſſigned the ſecretary of the ſaid department.

Sec. 2. *And be it further enacted*, That whenever a bill, order, reſolution or vote of the Senate and Houſe of Repreſentatives, having been approved and ſigned by the Preſident of the United States, or not having been returned by him with his objections, ſhall become a law, or take effect, it ſhall forthwith thereafter be received by the ſaid Secretary from the Preſident: and whenever a bill, order, reſolution or vote, ſhall be returned by the Preſident with his objections, and ſhall, on being reconſidered, be agreed to be paſſed, and be approved by two-thirds of both Houſes of Congreſs, and thereby become a law or take effect, it ſhall, in ſuch caſe, be received by the ſaid Secretary from the Preſident of the Senate, or the Speaker of the Houſe of Repreſentatives, in whichſoever Houſe it ſhall laſt have been ſo approved; and the ſaid Secretary ſhall, as ſoon as conveniently may be, after he ſhall receive the ſame, cauſe every ſuch law, order, reſolution, and vote, to be publiſhed in at leaſt three of the public newſpapers printed within the United States, and ſhall alſo cauſe one printed copy to be delivered to each Senator and Repreſentative of the United States, and two printed copies duly authenticated to be ſent to the executive authority of each ſtate; and he ſhall carefully preſerve the originals, and ſhall cauſe the ſame to be recorded in books to be provided for the purpoſe.

Seal of the United States.

Sec. 3. *And be it further enacted*, That the ſeal heretofore uſed by the United States in Congreſs aſſembled, ſhall be and hereby is declared to be the ſeal of the United States.

Sec. 4. *And be it further enacted*, That the said Secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions, to officers of the United States, to be appointed by the President by and with the advice and consent of the Senate, or by the President alone. *Provided*, That the said seal shall not be affixed to any commission, before the same shall have been signed by the President of the United States, nor to any other instrument or act, without the special warrant of the President therefor. Secre'ry to keep & affix the seal to all civil commissions.

Sec. 5. *And be it further enacted*, That the said Secretary shall cause a seal of office to be made for the said department, of such device as the President of the United States shall approve, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper. Secre'ry to provide a seal of office.

Sec. 6. *And be it further enacted*, That there shall be paid to the Secretary, for the use of the United States, the following fees of office, by the persons requiring the services to be performed, except when they are performed for any officer of the United States, in a matter relating to the duties of his office, to wit: For making out and authenticating copies of records, ten cents for each sheet, containing one hundred words; for authenticating a copy of a record or paper under the seal of office, twenty-five cents. Fees of office to be paid for the use of the United States.

Sec. 7. *And be it further enacted*, That the said Secretary shall forthwith after his appointment, be entitled to have the custody and charge of the said seal of the United States, and also of all books, records and papers, remaining in the office of the late Secretary of the United Secretary to have custody of papers &c. of late Congress.

States in Congreſs aſſembled; and ſuch of the ſaid books, records and papers, as may appertain to the treaſury department, or war department, ſhall be delivered over to the principal officers in the ſaid departments reſpectively, as the Preſident of the United States ſhall direct.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

Approved, September the 15th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XV.

An Act to ſuſpend Part of an Act, entitled, "An Act to regulate the Collection of the Duties impoſed by Law on the Tonnage of Ships or Veſſels, and on Goods, Wares, and Merchandizes, imported into the United States," and for other Purpoſes.

(EXPIRED.)

CHAPTER XVI.

An Act for the temporary Eſtabliſhment of the Poſt-Office.

(EXPIRED.)

CHAPTER XVII.

An Act for allowing Compenſation to the Members of the Senate and Houſe of Repreſentatives of the United States, and to the Officers of both Houſes.

(EXPIRED.)

CHAPTER XVIII.

An Act for allowing certain Compenſation to the Judges of the Supreme and other Courts, and to the Attorney-General of the United States.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That there ſhall be allowed to the judges of the ſupreme and other courts of the United States, the yearly compenſations herein after mentioned, to wit; to the chief juſtice, four thouſand dollars; to each of the juſtices of the ſupreme court, three thouſand five hundred dollars; to the judge of the diſtrict of Maine, one thouſand dollars; to the judge of the diſtrict of New-Hampſhire, one thouſand dollars; to the judge of the diſtrict of Maſſachuſetts, twelve hundred dollars; to the judge of the diſtrict of Connecticut, one thouſand dollars; to the judge of the diſtrict of New-York, fifteen hundred dollars; to the judge of the diſtrict of New-Jerſey, one thouſand dollars; to the judge of the diſtrict of Pennſylvania, ſixteen hundred dollars; to the judge of the diſtrict of Delaware, eight hundred dollars; to the judge of the diſtrict of Maryland, fifteen hundred dollars; to the judge of the diſtrict of Virginia, eighteen hundred dol-

Salaries of chief juſtice, juſtices of the ſupreme court and diſtrict judges.

lars; to the judge of the district of Kentucky, one thousand dollars; to the judge of the district of South-Carolina, eighteen hundred dollars; to the judge of the district of Georgia, fifteen hundred dollars; and to the attorney-general of the United States, fifteen hundred dollars; which compensations shall commence from their respective appointments, and be paid at the treasury of the United States in quarterly payments.

Commencement of, and how payable.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

Approved, September the 23d, 1789:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIX.

An Act for allowing a Compensation to the President and Vice-President of the United States.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects, now in his possession, belonging to the United States; and to the Vice-President, at the rate of five thousand dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices res-

President & Vice-President of the U. States, compensation to, commencement of, and how payable.

pectively, and to continue so long as they shall remain in office, and to be paid quarterly out of the treasury of the United States.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

Approved, September the 24th, 1789:
GEORGE WASHINGTON,
President of the United States.

CHAPTER XX.

An Act to establish the Judicial Courts of the United States.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the supreme court of the United States shall consist of a chief justice and five associate justices, any four of whom shall be a quorum, and shall hold annually at the seat of government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

Supreme court, chief justice, five associates.

Two sessions annually.

Sect. 2. *And be it further enacted,* That the United States shall be, and they hereby are divided into thirteen districts, to be limited and called as follows, to wit; one to consist of that part of the state of Massachusetts which lies easterly of the state of New-Hampshire, and to

Thirteen districts.

be called Main Diſtrict; one to conſiſt of the ſtate of New-Hampſhire, and to be called New-Hampſhire Diſtrict; one to conſiſt of the remaining part of the ſtate of Maſſachuſetts, and to be called Maſſachuſetts Diſtrict; one to conſiſt of the ſtate of Connecticut, and to be called Connecticut Diſtrict; one to conſiſt of the ſtate of New-York, and to be called New-York Diſtrict; one to conſiſt of the ſtate of New-Jerſey, and to be called New-Jerſey Diſtrict; one to conſiſt of the ſtate of Pennſylvania, and to be called Pennſylvania Diſtrict; one to conſiſt of the ſtate of Delaware, and to be called Delaware Diſtrict; one to conſiſt of the ſtate of Maryland, and to be called Maryland Diſtrict; one to conſiſt of the ſtate of Virginia, except that part called the Diſtrict of Kentucky, and to be called Virginia Diſtrict; one to conſiſt of the remaining part of the ſtate of Virginia, and to be called Kentucky Diſtrict; one to conſiſt of the ſtate of South-Carolina, and to be called the South-Carolina Diſtrict; and one to conſiſt of the ſtate of Georgia, and to be called Georgia Diſtrict.

Their diviſions.

Sec. 3. *And be it further enacted*, That there be a court called a Diſtrict Court, in each of the aforementioned diſtricts, to conſiſt of one judge, who ſhall reſide in the diſtrict for which he is appointed, and ſhall be called a Diſtrict Judge, and ſhall hold annually four ſeſſions, the firſt of which to commence as follows, to wit; in the diſtricts of New-York and of New-Jerſey on the firſt, in the diſtrict of Pennſylvania on the ſecond, in the diſtrict of Connecticut on the third, and in the diſtrict of Delaware on the fourth Tueſdays of November next; in the diſtricts of Maſſachuſetts, of Main, and of Maryland, on the firſt; in the diſtrict of Georgia,

A diſtrict court in each diſtrict.

Four ſeſſions annually in a diſtrict; and when held.

on the ſecond, and in the diſtricts of New-Hampſhire, of Virginia, and of Kentucky, on the third Tueſdays of December next; and the other three ſeſſions progreſſively in the reſpective diſtricts on the like Tueſdays of every third calendar month afterwards, and in the diſtrict of South-Carolina, on the third Monday in March and September, the firſt Monday in July, and the ſecond Monday of December of each and every year, commencing in December next; and that the diſtrict judge ſhall have power to hold ſpecial courts at his diſcretion. That the ſtated diſtrict court ſhall be held at the places following, to wit, in the diſtrict of Main, at Portland and Pownalborough alternately, beginning at the firſt; in the diſtrict of New-Hampſhire, at Exeter and Portſmouth alternately, beginning at the firſt; in the diſtrict of Maſſachuſetts, at Boſton and Salem alternately, beginning at the firſt; in the diſtrict of Connecticut, alternately at Hartford and New-Haven, beginning at the firſt; in the diſtrict of New-York, at New-York; in the diſtrict of New-Jerſey, alternately at New-Brunſwick and Burlington, beginning at the firſt; in the diſtrict of Pennſylvania, at Philadelphia and York-Town alternately, beginning at the firſt; in the diſtrict of Delaware, alternately at Newcaſtle and Dover, beginning at the firſt; in the diſtrict of Maryland, alternately at Baltimore and Eaſton, beginning at the firſt; in the diſtrict of Virginia, alternately at Richmond and Williamſburgh, beginning at the firſt; in the diſtrict of Kentucky, at Harrodſburgh; in the diſtrict of South-Carolina, at Charleſton; and in the diſtrict of Georgia, alternately at Savannah and Auguſta, beginning at the firſt; and that the ſpecial courts ſhall be held at the ſame

Special diſtrict courts.

Special courts, where held.

place in each diſtrict as the ſtated courts, or in diſtricts that have two, at either of them, in the diſcretion of the judge, or at ſuch other place in the diſtrict, as the nature of the buſineſs and his diſcretion ſhall direct. And that in the diſtricts that have but one place for holding the diſtrict court, the records thereof ſhall be kept at that place; and in diſtricts that have two, at that place in each diſtrict which the judge ſhall appoint.

Where records kept.

Three circuits, & how divided.

Sec. 4. *And be it further enacted*, That the before-mentioned diſtricts, except thoſe of Main and Kentucky, ſhall be divided into three circuits, and be called the eaſtern, the middle and the ſouthern circuit. That the eaſtern circuit ſhall conſiſt of the diſtricts of New-Hampſhire, Maſſachuſetts, Connecticut and New-York; that the middle circuit ſhall conſiſt of the diſtricts of New-Jerſey, Pennſylvania, Delaware, Maryland and Virginia; and that the ſouthern circuit ſhall conſiſt of the diſtricts of South-Carolina and Georgia, and that there ſhall be held annually in each diſtrict of ſaid circuits, two courts which ſhall be called circuit courts, and ſhall conſiſt of any two juſtices of the ſupreme court, and the diſtrict judge of ſuch diſtricts, any two of whom ſhall conſtitute a quorum: *Provided*, That no diſtrict judge ſhall give a vote in any caſe of appeal or error from his own deciſion; but may aſſign the reaſons of ſuch his deciſion.

First ſeſſion of the circuit courts.

Sec. 5. *And be it further enacted*, That the firſt ſeſſion of the ſaid circuit court in the ſeveral diſtricts ſhall commence at the times following, to wit; in New-Jerſey on the ſecond, in New-York on the fourth, in Pennſylvania on the eleventh, in Connecticut on the twenty-ſecond, and in Delaware on the twenty-ſeventh days of April next; in Maſſachuſetts on the

third, in Maryland on the ſeventh, in South-Carolina on the twelfth, in New-Hampſhire on the twentieth, in Virginia on the twenty-ſecond, and in Georgia on the twenty-eighth days of May next, and the ſubſequent ſeſſions in the reſpective diſtricts on the like days of every ſixth calendar month afterwards, except in South-Carolina, where the ſeſſion of the ſaid court ſhall commence on the firſt, and in Georgia where it ſhall commence on the ſeventeenth day of October, and except when any of thoſe days ſhall happen on a Sunday, and then the ſeſſion ſhall commence on the next day following. And the ſeſſions of the ſaid circuit court ſhall be held in the diſtrict of New-Hampſhire, at Portſmouth and Exeter alternately, beginning at the firſt; in the diſtrict of Maſſachuſetts, at Boſton; in the diſtrict of Connecticut, alternately at Hartford and New-Haven, beginning at the laſt; in the diſtrict of New-York, alternately at New-York and Albany, beginning at the firſt; in the diſtrict of New-Jerſey, at Trenton; in the diſtrict of Pennſylvania, alternately at Philadelphia and York-Town, beginning at the firſt; in the diſtrict of Delaware, alternately at Newcaſtle and Dover, beginning at the firſt; in the diſtrict of Maryland, alternately at Annapolis and Eaſton, beginning at the firſt; in the diſtrict of Virginia, alternately at Charlotteſville and Williamſburgh, beginning at the firſt; in the diſtrict of South-Carolina, alternately at Columbia and Charleſton, beginning at the firſt; and in the diſtrict of Georgia, alternately at Savannah and Auguſta, beginning at the firſt. And the circuit courts ſhall have power to hold ſpecial ſeſſions for the trial of criminal cauſes at any other time at their diſcretion, or at the diſcretion of the ſupreme court.

First ſeſſion of the circuit courts.

Circuit courts. Special ſeſſions.

Supreme court adjourned by one or more juſtices, circuit courts adjourned.

Sec. 6. *And be it further enacted*, That the ſupreme court may, by any one or more of its juſtices being preſent, be adjourned from day to day until a quorum be convened; and that a circuit court may alſo be adjourned from day to day by any one of its judges, or if none are preſent, by the marſhal of the diſtrict until a quorum be convened; and that a diſtrict court in caſe of the inability of the judge to attend at the commencement of a ſeſſion, may by virtue of a written order from the ſaid judge directed to the marſhal of the diſtrict, be adjourned by the ſaid marſhal to ſuch day, antecedent to the next ſtated ſeſſion of the ſaid court, as in the ſaid order ſhall be appointed, and in caſe of the death of the ſaid judge, and his vacancy not being ſupplied, all proceſs, pleadings and proceedings of what nature ſoever, pending before the ſaid court, ſhall be continued of courſe until the next ſtated ſeſſion after the appointment and acceptance of the office by his ſucceſſor.

Diſtrict courts adjourned.

The courts have power to appoint clerks.

Sec. 7. *And be it enacted*, That the ſupreme court, and the diſtrict courts ſhall have power to appoint clerks for their reſpective courts, and that the clerk for each diſtrict court ſhall be clerk alſo of the circuit court in ſuch diſtrict, and each of the ſaid clerks ſhall, before he enters upon the execution of his office, take the following oath or affirmation, to wit; "I, A. B. "being appointed clerk of do ſolemnly "ſwear or affirm, that I will truly and faithfully "enter and record all the orders, decrees, judg- "ments and proceedings of the ſaid court, and "that I will faithfully and impartially diſcharge "and perform all the duties of my ſaid office, "according to the beſt of my abilities and un- "derſtanding. So help me God." Which words, ſo help me God, ſhall be omitted in all

Their oath or affirmation.

caſes where an affirmation is admitted inſtead of an oath. And the ſaid clerks ſhall alſo ſeverally give bond with ſufficient ſureties, (to be approved of by the ſupreme and diſtricts courts reſpectively) to the United States, in the ſum of two thouſand dollars, faithfully to diſcharge the duties of his office, and ſeaſonably to record the decrees, judgments and determinations of the court of which he is clerk.

Sec. 8. *And be it further enacted*, That the juſtices of the ſupreme court, and the diſtrict judges, before they proceed to execute the duties of their reſpective offices, ſhall take the following oath or affirmation, to wit; "I, A. B. do ſolemnly ſwear or affirm, that I will adminiſter juſtice without reſpect to perſons, and do equal right to the poor and to the rich, and that I will faithfully and impartially diſcharge and perform all the duties incumbent on me as , according to the beſt of my abilities and underſtanding, agreeably to the conſtitution and laws of the United States. So help me God."

Oath of juſtices of ſupreme court and judges of the diſtrict court.

Sec. 9. *And be it further enacted*, That the diſtrict courts ſhall have, excluſively of the courts of the ſeveral ſtates, cognizance of all crimes and offences that ſhall be cognizable under the authority of the United States, committed within their reſpective diſtricts, or upon the high ſeas; where no other puniſhment than whipping, not exceeding thirty ſtripes, a fine not exceeding one hundred dollars, or a term of impriſonment not exceeding ſix months, is to be inflicted; and ſhall alſo have excluſive original cognizance of all civil cauſes of admiralty and maritime juriſdiction, including all ſeizures under laws of impoſt, navigation or trade of the United States, where the ſeizures

Diſtrict courts excluſive juriſdiction.

Original cognizance in maritime cauſes & of ſeizure under the laws of the United States.

are made, on waters which are navigable from the ſea by veſſels of ten or more tons burthen, within their reſpective diſtricts as well as upon the high ſeas; ſaving to ſuiters, in all caſes, the right of a common law remedy, where the common law is competent to give it: And ſhall alſo have excluſive original cognizance of all ſeizures on land, or other waters than as aforeſaid made, and of all ſuits for penalties and forfeitures incurred, under the laws of the United States. And ſhall alſo have cognizance, concurrent with the courts of the ſeveral ſtates, or the circuit courts, as the caſe may be, of all cauſes where an alien ſues for a tort only in violation of the law of nations or a treaty of the United States. And ſhall alſo have cognizance, concurrent as laſt mentioned, of all ſuits at common law where the United States ſue, and the matter in diſpute amounts, excluſive of coſts, to the ſum or value of one hundred dollars. And ſhall alſo have juriſdiction excluſively of the courts of the ſeveral ſtates, of all ſuits againſt conſuls or vice-conſuls, except for offences above the deſcription aforeſaid. And the trial of iſſues in fact, in the diſtricts courts, in all cauſes except civil cauſes of admiralty and maritime juriſdiction, ſhall be by jury.

Concurrent juriſdiction

Trial of fact by jury.

Sec. 10. *And be it further enacted*, That the diſtrict court in Kentucky diſtrict ſhall, beſides the juriſdiction aforeſaid, have juriſdiction of all other cauſes, except of appeals and writs of error, herein after made cognizable in a circuit court, and ſhall proceed therein in the ſame manner as a circuit court, and writs of error and appeals ſhall lie from deciſions therein to the ſupreme court in the ſame cauſes, as from a circuit court to the ſupreme court, and under the ſame regulations. And the diſtrict court

Kentucky diſtrict court.

in Main diſtrict, ſhall beſides the juriſdiction herein before granted, have juriſdiction of all cauſes, except of appeals and writs of error herein after made cognizable in a circuit court, and ſhall proceed therein in the ſame manner as a circuit court: And writs of error ſhall lie from deciſions therein to the circuit court in the diſtrict of Maſſachuſetts in the ſame manner as from other diſtrict courts to their reſpective circuit courts. Main diſtrict court.

Sec. 11. *And be it further enacted*, That the circuit courts ſhall have original cognizance, concurrent with the courts of the ſeveral ſtates, of all ſuits of a civil nature at common law or in equity, where the matter in diſpute exceeds, excluſive of coſts, the ſum or value of five hundred dollars, and the United States are plaintiffs, or petitioners; or an alien is a party, or the ſuit is between a citizen of the ſtate where the ſuit is brought, and a citizen of another ſtate. And ſhall have excluſive cognizance of all crimes and offences cognizable under the authority of the United States, except where this act otherwiſe provides, or the laws of the United States ſhall otherwiſe direct, and concurrent juriſdiction with the diſtrict courts of the crimes and offences cognizable therein. But no perſon ſhall be arreſted in one diſtrict for trial in another, in any civil action before a circuit or diſtrict court: And no civil ſuit ſhall be brought before either of ſaid courts againſt an inhabitant of the United States, by any original proceſs in any other diſtrict than that whereof he is an inhabitant, or in which he ſhall be found at the time of ſerving the writ, nor ſhall any diſtrict or circuit court have cognizance of any ſuit to recover the contents of any promiſſory note or other choſe in action Circuit courts original cognizance. Excluſive cognizance.

in favour of an aſſignee, unleſs a ſuit might have been proſecuted in ſuch court to recover the ſaid contents if no aſſignment had been made, except in caſes of foreign bills of exchange. And the circuit courts ſhall alſo have appellate juriſdiction from the diſtrict courts under the regulations and reſtrictions herein after provided.

Circuit court appellate juriſdiction.

Matter in diſpute above 500 dollars.

Sec. 12. *And be it further enacted*, That if a ſuit be commenced in any ſtate court againſt an alien, or by a citizen of the ſtate in which the ſuit is brought againſt a citizen of another ſtate, and the matter in diſpute exceeds the aforeſaid ſum or value of five hundred dollars, excluſive of coſts, to be made to the ſatisfaction of the court; and the defendant ſhall, at the time of entering his appearance in ſuch ſtate court, file a petition for the removal of the cauſe for trial into the next circuit court, to be held in the diſtrict where the ſuit is pending, or if in the diſtrict of Main, to the diſtrict court next to be holden therein, or if in Kentucky diſtrict, to the diſtrict court next to be holden therein, and offer good and ſufficient ſurety for his entering in ſuch court, on the firſt day of its ſeſſion, copies of ſaid proceſs againſt him, and alſo for his there appearing and entering ſpecial bail in the cauſe, if ſpecial bail was originally requiſite therein, it ſhall then be the duty of the ſtate court to accept the ſurety, and proceed no further in the cauſe, and any bail that may have been originally taken ſhall be diſcharged, and the ſaid copies being entered as aforeſaid, in ſuch court of the United States, the cauſe ſhall there proceed in the ſame manner as if it had been brought there by original proceſs. And any attachment of the goods or eſtate of the defendant

Special bail.

by the original proceſs, ſhall hold the goods or eſtate ſo attached, to anſwer the final judgment in the ſame manner as by the laws of ſuch ſtate they would have been holden to anſwer final judgment, had it been rendered by the court in which the ſuit commenced. And if in any action commenced in a ſtate court, the title of land be concerned, and the parties are citizens of the ſame ſtate, and the matter in diſpute exceeds the ſum or value of five hundred dollars, excluſive of coſts, the ſum or value being made to appear to the ſatisfaction of the court, either party, before the trial, ſhall ſtate to the court and make affidavit if they require it, that he claims and ſhall rely upon a right or title to the land, under a grant from a ſtate, other than that in which the ſuit is pending, and produce the original grant or an exemplification of it, except where the loſs of public records ſhall put it out of his power, and ſhall move that the adverſe party inform the court, whether he claims a right or title to the land under a grant from the ſtate in which the ſuit is pending; the ſaid adverſe ſhall give ſuch information, or otherwiſe not to be allowed to plead ſuch grant, or give it in evidence upon the trial, and if he informs that he does claim under ſuch grant, the party claiming under the grant firſt mentioned, may then, on motion, remove the cauſe for trial to the next circuit court to be holden in ſuch diſtrict, or if in the diſtrict of Main, to the court next to be holden therein; or if in Kentucky diſtrict, to the diſtrict court next to be holden therein; but if he is the defendant, ſhall do it under the ſame regulations as in the beforementioned caſe of the removal of a cauſe into ſuch court by an alien: And neither party removing the

Attachment of goods holden to final judgment.

Title of land where value exceeds 500 dollars.

If in Maine and Kentucky, where cauſes are removable.

cauſe, ſhall be allowed to plead or give evidence of any other title than that by him ſtated as aforeſaid, as the ground of his claim. And the trial of iſſues in fact in the circuit courts ſhall, in all ſuits, except thoſe of equity, and of admiralty, and maritime juriſdiction, be by jury.

Iſſues in fact by jury.

Sec. 13. *And be it further enacted*, That the ſupreme court ſhall have excluſive juriſdiction of all controverſies of a civil nature, where a ſtate is a party, except between a ſtate and its citizens; and except alſo between a ſtate and citizens of other ſtates, or aliens, in which latter caſe it ſhall have original but not excluſive juriſdiction. And ſhall have excluſively all ſuch juriſdiction of ſuits or proceedings againſt ambaſſadors or other public miniſters, or their domeſtics, or domeſtic ſervants, as a court of law can have or exerciſe conſiſtently with the law of nations; and original, but not excluſive juriſdiction of all ſuits brought by ambaſſadors or other public miniſters, or in which a conſul, or vice-conſul, ſhall be a party. And the trial of iſſues in fact in the ſupreme court, in all actions at law againſt citizens of the United States, ſhall be by jury. The ſupreme court ſhall alſo have appellate juriſdiction from the circuit courts and courts of the ſeveral ſtates, in the caſes herein after ſpecially provided for: And ſhall have power to iſſue writs of prohibition to the diſtrict courts, when proceeding as courts of admiralty and maritime juriſdiction, and writs of *mandamus*, in caſes warranted by the principle and uſages of law, to any courts appointed, or perſons holding office, under the authority of the United States.

Supreme court excluſive juriſdiction.

Proceedings againſt public miniſters.

Supreme court appellate juriſdiction.

Sec. 14. *And be it further enacted*, That all the beforementioned courts of the United States, ſhall have power to iſſue writs of *ſcire facias*,

habeas corpus, and all other writs not ſpecially provided for by ſtatute, which may be neceſſary for the exerciſe of their reſpective juriſdictions, and agreeable to the principles and uſages of law. And that either of the juſtices of the ſupreme court, as well as judges of the diſtrict courts, ſhall have power to grant writs of *habeas corpus* for the purpoſe of an enquiry into the cauſe of commitment. *Provided*, That writs of *habeas corpus*, ſhall in no caſe extend to priſoners in gaol, unleſs where they are in cuſtody, under or by colour of the authority of the United States, or are committed for trial before ſome court of the ſame, or are neceſſary to be brought into court to teſtify.

Courts of the U. States iſſue writs ſcire facias, &c.

Juſtices and judges ſame power.

Sec. 15. *And be it further enacted*, That all the ſaid courts of the United States, ſhall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their poſſeſſion or power, which contain evidence pertinent to the iſſue, in caſes and under circumſtances where they might be compelled to produce the ſame by the ordinary rules of proceeding in chancery; and if a plaintiff ſhall fail to comply with ſuch order, to produce books or writings, it ſhall be lawful for the courts reſpectively, on motion, to give the like judgment for the defendant as in caſes of non-ſuit; and if a defendant ſhall fail to comply with ſuch order, to produce books or writings, it ſhall be lawful for the courts reſpectively on motion as aforeſaid, to give judgment againſt him or her by default.

Parties ſhall produce books and writings.

Sec. 16. *And be it further enacted*, That ſuits in equity ſhall not be ſuſtained in either of the courts of the United States, in any caſe

Suits in equity limited.

where plain, adequate and complete remedy may be had at law.

Courts of the U. States may grant new trials.

Sec. 17. *And be it further enacted*, That all the ſaid courts of the United States ſhall have power to grant new trials, in caſes where there has been a trial by jury for reaſons for which new trials have uſually been granted in the courts of law; and ſhall have power to impoſe and adminiſter all neceſſary oaths or affirmations, and to puniſh by fine or impriſonment, at the diſcretion of ſaid courts, all contempts of authority in any cauſe or hearing before the ſame; and to make and eſtabliſh all neceſſary rules for the orderly conducting buſineſs in the ſaid courts, provided ſuch rules are not repugnant to the laws of the United States.

Execution may be ſtayed in caſe.

Sec. 18. *And be it further enacted*, That when in a circuit court, judgment upon a verdict in a civil action ſhall be entered, execution may on motion of either party, at the diſcretion of the court, and on ſuch conditions for the ſecurity of the adverſe party as they may judge proper, be ſtayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of ſaid court, a petition for a new trial. And if ſuch petition be there filed within ſaid term of forty-two days, with a certificate thereon from either of the judges of ſuch court, that he allows the ſame to be filed, which certificate he may make or refuſe at his diſcretion, execution ſhall of courſe be further ſtayed to the next ſeſſion of ſaid court. And if a new trial be granted, the former judgment ſhall be thereby rendered void.

Sec. 19. *And be it further enacted*, That it ſhall be the duty of circuit courts, in caſes in

equity and of admiralty and maritime juriſdiction, to cauſe the facts on which they found their ſentence or decree, fully to appear upon the record either from the pleadings and decree itſelf, or a ſtate of the caſe agreed by the parties, or their council, or if they diſagree, by a ſtating of the caſe by the court. Facts to appear on record.

Sec. 20. *And be it further enacted*, That where in a circuit court, a plaintiff in an action, originally brought there, or a petitioner in equity, other than the United States, recovers leſs than the ſum or value of five hundred dollars, or a libellant, upon his own appeal, leſs than the ſum or value of three hundred dollars, he ſhall not be allowed, but at the diſcretion of the court, may be adjudged to pay coſts. Coſts not allowed unleſs recover 500 dollars.

Sec. 21. *And be it further enacted*, That from final decrees in a diſtrict court in cauſes of admiralty and maritime juriſdiction, where the matter in diſpute exceeds the ſum or value of three hundred dollars, excluſive of coſts, an appeal ſhall be allowed to the next circuit court, to be held in ſuch diſtrict. *Provided nevertheleſs*, That all ſuch appeals from final decrees as aforeſaid, from the diſtrict court of Main, ſhall be made to the circuit court, next to be holden after each appeal in the diſtrict of Maſſachuſetts. Appeals where matter in diſpute exceeds 300 dollars.

Sec. 22. *And be it further enacted*, That final decrees and judgments in civil actions in a diſtrict court, where the matter in diſpute exceeds the ſum or value of fifty dollars, excluſive of coſts, may be re-examined, and reverſed or affirmed in a circuit court, holden in the ſame diſtrict, upon a writ of error, whereto ſhall be annexed and returned therewith at Final decrees re-examined above 50 dollars.

the day and place therein mentioned, an authenticated tranſcript of the record, and aſſignment of errors, and prayer for reverſal, with a citation to the adverſe party, ſigned by the judge of ſuch diſtrict court, or a juſtice of the ſupreme court, the adverſe party having at leaſt twenty days notice. And upon a like proceſs, may final judgments and decrees in civil actions, and ſuits in equity in a circuit court, brought there by original proceſs, or removed there from courts of the ſeveral ſtates, or removed there by appeal from a diſtrict court where the matter in diſpute exceeds the ſum or value of two thouſand dollars, excluſive of coſts, be re-examined and reverſed or affirmed in the ſupreme court, the citation being in ſuch caſe ſigned by a judge of ſuch circuit court, or juſtice of the ſupreme court, and the adverſe party having at leaſt thirty days notice. But there ſhall be no reverſal in either court on ſuch writ of error for error in ruling any plea in abatement, other than a plea to the juriſdiction of the court, or ſuch plea to a petition or bill in equity, as is in the nature of a demurrer, or for any error in fact. And writs of error ſhall not be brought but within five years after rendering or paſſing the judgment or decree complained of, or in caſe the perſon entitled to ſuch writ of error be an infant, *feme covert non compos mentis*, or impriſoned, then within five years as aforeſaid, excluſive of the time of ſuch diſability. And every juſtice or judge ſigning a citation on any writ of error as aforeſaid, ſhall take good and ſufficient ſecurity, that the plaintiff in error ſhall proſecute his writ to effect, and anſwer all damages and coſts if he fail to make his plea good.

and ſuits in equity exceed the value of 2000 dollars.

Writs of error limited.

Plaintiff to give ſecurity.

Sec. 23. *And be it further enacted*, That a writ of error as aforeſaid ſhall be a ſuperſedeas and ſtay execution in caſes only where the writ of error is ſerved, by a copy thereof being lodged for the adverſe party in the clerk's office where the record remains, within ten days, Sundays excluſive, after rendering the judgment or paſſing the decree complained of. Until the expiration of which term of ten days, executions ſhall not iſſue in any caſe where a writ of error may be a ſuperſedeas; and whereupon ſuch writ of error the ſupreme or a circuit court ſhall affirm a judgment or decree, they ſhall adjudge or decree to the reſpondent in error juſt damages for his delay, and ſingle or double coſts at their diſcretion. Writs of error of a ſuperſedeas in caſe.

Sec. 24. *And be it further enacted*, That when a judgment or decree ſhall be reverſed in a circuit court, ſuch court ſhall proceed to render ſuch judgment or paſs ſuch decree as the diſtrict court ſhould have rendered or paſſed; and the ſupreme court ſhall do the ſame on reverſals therein, except where the reverſal is in favour of the plaintiff, or petitioner in the original ſuit, and the damages to be aſſeſſed, or matter to be decreed, are uncertain, in which caſe they ſhall remand the cauſe for a final deciſion. And the ſupreme court ſhall not iſſue execution in cauſes that are removed before them by writs of error, but ſhall ſend a ſpecial mandate to the circuit court to award execution thereupon. Judgment or decree reverſed. Supreme court not iſſue execution.

Sec. 25. *And be it further enacted*, That a final judgment or decree in any ſuit, in the higheſt court of law or equity of a ſtate in which a deciſion in the ſuit could be had, where is drawn in queſtion the validity of a treaty or ſtatute of, or an authority exerciſed under the Where validity of a treaty is queſtioned, cauſe may be re-examined.

United States, and the deciſion is againſt their validity; or where is drawn in queſtion the validity of a ſtatute of, or an authority exerciſed under any ſtate, on the ground of their being repugnant to the conſtitution, treaties or laws of the United States, and the deciſion is in favour of ſuch their validity, or where is drawn in queſtion the conſtruction of any clauſe of the Conſtitution, or of a treaty, or ſtatute of, or commiſſion held under the United States, and the deciſion is againſt the title, right, privilege or exemption ſpecially ſet up or claimed by either party, under ſuch clauſe of the ſaid conſtitution, treaty, ſtatute or commiſſion, may be re-examined and reverſed or affirmed in the ſupreme court of the United States upon a writ of error, the citation being ſigned by the chief juſtice, or judge or chancellor of the court rendering or paſſing the judgment or decree complained of, or by a juſtice of the ſupreme court of the United States, in the ſame manner and under the ſame regulations, and the writ ſhall have the ſame effect, as if the judgment or decree complained of had been rendered or paſſed in a circuit court, and the proceeding upon the reverſal ſhall alſo be the ſame, except that the ſupreme court, inſtead of remanding the cauſe for a final deciſion as before provided, may at their diſcretion, if the cauſe ſhall have been once remanded before, proceed to a final deciſion of the ſame, and award execution. But no other error ſhall be aſſigned or regarded as a ground of reverſal in any ſuch caſe as aforeſaid, than ſuch as appears on the face of the record, and immediately reſpects the beforementioned queſtions of validity or conſtruction of the ſaid conſtitution, treaties, ſtatutes, commiſſions, or authorities in diſpute.

Proceedings on reverſal.

No writs of error but as above mentioned.

Sec. 26. *And be it further enacted*, That in all cauſes brought before either of the courts of the United States to recover the forfeiture annexed to any articles of agreement, covenant, bond or other ſpeciality, where the forfeiture, breach or non-performance ſhall appear, by the default or confeſſion of the defendant, or upon demurrer, the court before whom the action is, ſhall render judgment therein for the plaintiff to recover ſo much as is due according to equity. And when the ſum for which judgment ſhould be rendered is uncertain, the ſame ſhall, if either of the parties requeſt it, be aſſeſſed by a jury.

In caſes of forfeiture the courts may give judgment in equity.

Sum aſſeſſed by jury.

Sec. 27. *And be it further enacted*, That a marſhal ſhall be appointed in and for each diſtrict for the term of four years, but ſhall be removeable from office at pleaſure, whoſe duty it ſhall be to attend the diſtrict and circuit courts when ſitting therein, and alſo the ſupreme court in the diſtrict in which that court ſhall ſit. And to execute throughout the diſtrict, all lawful precepts directed to him, and iſſued under the authority of the United States, and he ſhall have power to command all neceſſary aſſiſtance in the execution of his duty, and to appoint as there ſhall be occaſion, one or more deputies, who ſhall be removeable from office by the judge of the diſtrict court, or the circuit court ſitting within the diſtrict, at the pleaſure of either, and before he enters on the duties of his office, he ſhall become bound, for the faithful performance of the ſame, by himſelf and by his deputies before the judge of the diſtrict court to the United States, jointly and ſeverally, with two good and ſufficient ſureties, inhabitants and freeholders of ſuch diſtrict, to be approved by the diſtrict judge,

Marſhal appointed.

in the ſum of twenty thouſand dollars, and ſhall take before ſaid judge, as ſhall alſo his deputies, before they enter on the duties of their appointment, the following oath of office: "I, A. B. do ſolemnly ſwear or affirm, that I will faithfully execute all lawful precepts directed to the marſhal of the diſtrict of under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marſhal (or marſhal's deputy, as the caſe may be) of the diſtrict of during my continuance in ſaid office, and take only my lawful fees. So help me God."

His oath.

Marſhal a party.

Sec. 28. *And be it further enacted*, That in all cauſes wherein the marſhal or his deputy ſhall be a party, the writs and precepts therein ſhall be directed to ſuch diſintereſted perſon as the court, or any juſtice or judge thereof may appoint, and the perſon ſo appointed, is hereby authoriſed to execute and return the ſame. And in caſe of the death of any marſhal, his deputy or deputies ſhall continue in office, unleſs otherwiſe ſpecially removed; and ſhall execute the ſame in the name of the deceaſed, until another marſhal ſhall be appointed and ſworn: And the defaults or misfeaſances in office of ſuch deputy or deputies in the mean time, as well as before, ſhall be adjudged a breach of the condition of the bond given, as before directed, by the marſhal who appointed them; and the executor or adminiſtrator of the deceaſed marſhal ſhall have like remedy for the defaults and misfeaſances in office of ſuch deputy or deputies during ſuch interval, as they would be entitled to if the marſhal had continued in life and in the exerciſe of his ſaid office, until his

Defaults of deputies.

Executor or adminiſtrator of deceaſed marſhals.

ſucceſſor was appointed, and ſworn or affirmed: And every marſhal or his deputy when removed from office, or when the term for which the marſhal is appointed ſhall expire, ſhall have power notwithſtanding to execute all ſuch precepts as may be in their hands reſpectively at the time of ſuch removal or expiration of office; and the marſhal ſhall be held anſwerable for the delivery to his ſucceſſor of all priſoners which may be in his cuſtody at the time of his removal, or when the term for which he is appointed ſhall expire, and for that purpoſe may retain ſuch priſoners in his cuſtody until his ſucceſſor ſhall be appointed and qualified as the law directs.

Marſhal's power after removal.

Sec. 29. *And be it further enacted*, That in caſes puniſhable with death, the trial ſhall be had in the county where the offence was committed, or where that cannot be done without great inconvenience, twelve petit jurors at leaſt ſhall be ſummoned from thence. And jurors in all caſes to ſerve in the courts of the United States ſhall be deſignated by lot or otherwiſe in each ſtate reſpectively according to the mode of forming juries therein now practiced, ſo far as the laws of the ſame ſhall render ſuch deſignation practicable by the courts or marſhals of the United States; and the jurors ſhall have the ſame qualifications as are requiſite for jurors by the laws of the ſtate of which they are citizens, to ſerve in the higheſt courts of law of ſuch ſtate, and ſhall be returned as there ſhall be occaſion for them, from ſuch parts of the diſtrict from time to time as the court ſhall direct, ſo as ſhall be moſt favourable to an impartial trial, and ſo as not to incur an unneceſſary expence, or unduly to burthen the citizens of any part of the diſtrict with ſuch ſervices.

Caſes puniſhable with death to be had in county.

Jurors by lot.

Writs venire facias from clerk's office.

And writs of *venire facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person or by his deputy, or in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation that he will truly and impartially serve and return such writ. And when from challenges or otherwise there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return jurymen *de talibus circumstantibus* sufficient to complete the pannel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

Juries de talibus, &c.

Mode of proof,

Sec. 30. *And be it further enacted*, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the United States, who shall live at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of such district, and to a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the

Deposition de bene esse.

United States, or before any chancellor, juſtice or judge of a ſupreme or ſuperior court, mayor or chief magiſtrate of a city, or judge of a county court or court of common pleas of any of the United States, not being of counſel or attorney to either of the parties, or intereſted in the event of the cauſe, provided that a notification from the magiſtrate before whom the depoſition is to be taken to the adverſe party, to be preſent at the taking of the ſame, and to put interrogatories, if he think fit, be firſt made out and ſerved on the adverſe party or his attorney as either may be neareſt, if either is within one hundred miles of the place of ſuch caption, allowing time for their attendance after notified, notleſs than at the rate of one day, Sundays excluſive, for every twenty miles travel. And in cauſes of admiralty and maritime juriſdiction, or other caſes of ſeizure when a libel ſhall be filed, in which an adverſe party is not named, and depoſitions of perſons circumſtanced as aforeſaid ſhall be taken before a claim be put in, the like notification as aforeſaid ſhall be given to the perſon having the agency or poſſeſſion of the property libelled at the time of the capture or ſeizure of the ſame, if known to the libellant. And every perſon depoſing as aforeſaid ſhall be carefully examined and cautioned, and ſworn or affirmed to teſtify the whole truth, and ſhall ſubſcribe the teſtimony by him or her given after the ſame ſhall be reduced to writing, which ſhall be done only by the magiſtrate taking the depoſition, or by the deponent in his preſence. And the depoſitions ſo taken ſhall be retained by ſuch magiſtrate until he deliver the ſame with his own hand into the court for which they are taken, or ſhall, together with a certificate of

Adverſe party notified.

Admiralty and maritime cauſes.

Agent notified.

Depoſitions retained.

the reaſons as aforeſaid of their being taken, and of the notice if any given to the adverſe party, be by him the ſaid magiſtrate ſealed up and directed to ſuch court, and remain under his ſeal until opened in court. And any perſon may be compelled to appear and depoſe as aforeſaid in the ſame manner as to appear and teſtify in court. And in the trial of any cauſe of admiralty or maritime juriſdiction in a diſtrict court, the decree in which may be appealed from, if either party ſhall ſuggeſt to and ſatisfy the court that probably it will not be in his power to produce the witneſſes there teſtifying before the circuit court ſhould an appeal be had, and ſhall move that their teſtimony be taken down in writing, it ſhall be ſo done by the clerk of the court. And if an appeal be had, ſuch teſtimony may be uſed on the trial of the ſame, if it ſhall appear to the ſatisfaction of the court which ſhall try the appeal, that the witneſſes are then dead or gone out of the United States, or to a greater diſtance than as aforeſaid from the place where the court is ſitting, or that by reaſon of age, ſickneſs, bodily infirmity or impriſonment, they are unable to travel and appear at court, but not otherwiſe. And unleſs the ſame ſhall be made to appear on the trial of any cauſe, with reſpect to witneſſes whoſe depoſitions may have been taken therein, ſuch depoſitions ſhall not be admitted or uſed in the cauſe. *Provided*, That nothing herein ſhall be conſtrued to prevent any court of the United States from granting a *dedimus poteſtatem* to take depoſitions according to common uſage, when it may be neceſſary to prevent a failure or delay of juſtice; which power they ſhall ſeverally poſſeſs, nor to extend to depoſitions taken in *perpetuam*

Appeal allowed.

Depoſitions uſed in caſe of ſickneſs, death, &c.

Dedimus poteſtatem as uſual.

rei memoriam, which if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereto made, as a court of equity may, according to the uſages in chancery direct to be taken.

Sec. 31. *And be it enacted*, That where any ſuit ſhall be depending in any court of the United States, and either of the parties ſhall die before final judgment, the executor or adminiſtrator of ſuch deceaſed party who was plaintiff, petitioner, or defendant, in caſe the cauſe of action doth by law ſurvive, ſhall have full power to proſecute or defend any ſuch ſuit or action until final judgment; and the defendant or defendants are hereby obliged to anſwer thereto accordingly; and the court before whom ſuch cauſe may be depending, is hereby empowered and directed to hear and determine the ſame, and to render judgment for or againſt the executor or adminiſtrator, as the caſe may require. And if ſuch executor or adminiſtrator having been duly ſerved with a *ſcire facias* from the office of the clerk of the court where ſuch ſuit is depending, twenty days beforehand, ſhall neglect or refuſe to become a party to the ſuit, the court may render judgment againſt the eſtate of the deceaſed party, in the ſame manner as if the executor or adminiſtrator had voluntarily made himſelf a party to the ſuit: And the executor or adminiſtrator who ſhall become a party as aforeſaid, ſhall, upon motion to the court where the ſuit is depending, be entitled to a continuance of the ſame until the next term of the ſaid court. And if there be two or more plaintiffs or defendants, and one or more of them ſhall die, if the cauſe of action ſhall ſurvive to the ſurviving plaintiff or plaintiffs, or againſt the ſurviving defendant or

Executor or adminiſtrator may proſecute and defend.

Executor & adminiſtrator may have continuance.

Two plaintiffs.

Surviving plaintiff may continue ſuit,

defendants, the writ or action ſhall not be thereby abated; but ſuch death being ſuggeſted upon the record, the action ſhall proceed at the ſuit of the ſurviving plaintiff or plaintiffs againſt the ſurviving defendant or defendants.

Writs ſhall not abate for defect of form.

Sec. 32. *And be it further enacted*, That no ſummons, writ, declaration, return, proceſs, judgment, or other proceedings in civil cauſes in any of the courts of the United States, ſhall be abated, arreſted, quaſhed or reverſed, for any defect or want of form, but the ſaid courts reſpectively ſhall proceed and give judgment according as the right of the cauſe and matter in law ſhall appear unto them, without regarding any imperfections, defects, or want of form in ſuch writ, declaration or other pleading, return, proceſs, judgment or courſe of proceeding whatſoever, except thoſe only in caſes of demurrer, which the party demurring ſhall ſpecially ſit down and expreſs together with his demurrer as the cauſe thereof. And the ſaid courts reſpectively ſhall and may, by virtue of this act, from time to time, amend all and every ſuch imperfections, defects and wants of form, other than thoſe only which the party demurring ſhall expreſs as aforeſaid, and may at any time permit either of the parties to amend any defect in the proceſs or pleadings, upon ſuch conditions as the ſaid courts reſpectively ſhall in their diſcretion, and by their rules preſcribe.

Courts may amend imperfections.

Criminals againſt the United States arreſted by any juſtice of the peace.

Sec. 33. *And be it further enacted*, That for any crime or offence againſt the United States, the offender may, by any juſtice or judge of the United States, or by any juſtice of the peace, or other magiſtrate of any of the United States where he may be found agreeably to the uſual mode of proceſs againſt offenders in

ſuch ſtate, and at the expence of the United States, be arreſted, and impriſoned or bailed, as the caſe may be, for trial before ſuch court of the United States as by this act has cognizance of the offence: And copies of the proceſs ſhall be returned as ſpeedily as may be into the clerk's office of ſuch court, together with the recognizances of the witneſſes for their appearance to teſtify in the caſe; which recognizances the magiſtrate before whom the examination ſhall be, may require on pain of impriſonment. And if ſuch commitment of the offender, or the witneſſes ſhall be in a diſtrict other than that in which the offence is to be tried, it ſhall be the duty of the judge of that diſtrict where the delinquent is impriſoned, ſeaſonably to iſſue, and of the marſhal of the ſame diſtrict to execute, a warrant for the removal of the offender, and the witneſſes or either of them, as the caſe may be, to the diſtrict in which the trial is to be had. And upon all arreſts in criminal caſes, bail ſhall be admitted, except where the puniſhment may be death, in which caſes it ſhall not be admitted but by the ſupreme or a circuit court, or by a juſtice of the ſupreme court, or a judge of a diſtrict court, who ſhall exerciſe their diſcretion therein, regarding the nature and circumſtances of the offence, and of the evidence, and the uſages of law. And if a perſon committed by a juſtice of the ſupreme or a judge of a diſtrict court for an offence not puniſhable with death, ſhall afterwards procure bail, and there be no judge of the United States, in the diſtrict to take the ſame, it may be taken by any judge of the ſupreme, or ſuperior court of law of ſuch ſtate.

Recognizance returned to the clerk's office.

Offender may be removed by warrant.

Bail admitted.

Bail, how taken in caſe.

Laws of ſtates, rules of deciſion.

Sec. 34. *And be it further enacted*, That the laws of the ſeveral ſtates, except where the conſtitution, treaties or ſtatutes of the United States ſhall otherwiſe require or provide, ſhall be regarded as rules of deciſion in trials at common law in the courts of the United States in caſes where they apply.

Parties manage their own cauſe.

Sec. 35. *And be it further enacted*, That in all the courts of the United States, the parties may plead and manage their own cauſes perſonally or by the aſſiſtance of ſuch counſel or attornies at law as by the rules of the ſaid courts reſpectively ſhall be permitted to manage and conduct cauſes therein. And there ſhall be appointed in each diſtrict a meet perſon learned in the law to act as attorney for the United States in ſuch diſtrict, who ſhall be ſworn or affirmed to the faithful execution of his office, whoſe duty it ſhall be to proſecute in ſuch diſtrict all delinquents for crimes and offences, cognizable under the authority of the United States, and all civil actions in which the United States ſhall be concerned, except before the ſupreme court in the diſtrict in which that court ſhall be holden. And he ſhall receive as a compenſation for his ſervices ſuch fees as ſhall be taxed therefor in the reſpective courts before which the ſuits or proſecutions ſhall be. And there ſhall alſo be appointed a meet perſon learned in the law, to act as attorney-general for the United States, who ſhall be ſworn or affirmed, to a faithful execution of his office; whoſe duty it ſhall be to proſecute and conduct all ſuits in the ſupreme court in which the United States ſhall be concerned, and to give his advice and opinion upon queſtions of law when required by the Preſident of the United States, or when requeſted by the heads of any of the

Attorney for each diſtrict.

Attorney-general.

departments, touching any matters that may concern their departments, and ſhall receive ſuch compenſation for his ſervices as ſhall by law be provided.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, September the 24th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXI.

An Act to regulate Proceſſes in the Courts of the United States.

(EXPIRED.)

CHAPTER XXII.

An Act to explain and amend an Act, intituled, "An Act for regiſtering and clearing veſſels, Regulating the coaſting Trade, and for other Purpoſes."

(EXPIRED.)

CHAPTER XXIII.

An Act making Appropriations for the Service of the preſent Year.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That there be appropriated for the ſervice of the preſent year, to be paid out of the monies which ariſe, either from the requiſitions heretofore made upon the ſeveral ſtates, or from the duties on impoſt and tonnage, the following ſums, viz. A ſum not exceeding two hundred and ſixteen thouſand dollars for defraying the expences of the civil liſt, under the late and preſent government; a ſum not exceeding one hundred and thirty-ſeven thouſand dollars for defraying the expences of the department of war; a ſum not exceeding one hundred and ninety thouſand dollars for diſcharging the warrants iſſued by the late board of treaſury, and remaining unſatisfied; and a ſum not exceeding ninety-ſix thouſand dollars for paying the penſions to invalids.

Specific appropriations of money for expences of civil liſt and war department;

alſo to diſcharge warrants of late board of treaſury, & for penſions to invalids.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, September the 29th, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXIV.

An Act providing for the Payment of the Invalid Penſioners of the United States.

(EXPIRED.)

CHAPTER XXV.

An Act to recognize and adapt to the Conſtitution of the United States the Eſtabliſhment of the Troops raiſed under the Reſolves of the United States in Congreſs aſſembled, and for other Purpoſes therein mentioned.

(EXPIRED.)

CHAPTER XXVI.

An Act to allow the Baron de Glaubeck the Pay of a Captain in the Army of the United States.

(PRIVATE.)

CHAPTER XXVII.

An Act to alter the Time for the next Meeting of Congreſs.

(EXPIRED.)

A C T S

PASSED AT THE

SECOND SESSION

OF THE

FIRST CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF NEW-YORK,

On Monday the Fourth of January,

IN THE YEAR M,DCC,XC:

AND OF THE

Independence of the United States

THE FOURTEENTH.

ACTS
OF
CONGRESS.

CHAPTER I.

An Act for giving Effect to the ſeveral Acts therein mentioned, in Reſpect to the State of North-Carolina, and other Purpoſes.

(REPEALED.)

CHAPTER II.

An Act providing for the Enumeration of the Inhabitants of the United States.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That the marſhals of the ſeveral diſtricts of the United States, ſhall be, and they are hereby authorized and required to cauſe the number of the inhabitants within their reſpective diſtricts to be taken; omitting in ſuch enumeration Indians not taxed, and diſtinguiſhing free perſons, including thoſe bound to ſervice for a term of years, from all others; diſtinguiſhing alſo the ſexes and colours of free perſons,

Marſhals in the ſeveral diſtricts of the U. States to take the enumeration, and in what mode.

and the free males of ſixteen years and upwards from thoſe under that age; for effecting which purpoſe the marſhals ſhall have power to appoint as many aſſiſtants within their reſpective diſtricts as to them ſhall appear neceſſary; aſſigning to each aſſiſtant a certain diviſion of his diſtrict, which diviſion ſhall conſiſt of one or more counties, cities, towns, townſhips, hundreds or pariſhes, or of a territory plainly and diſtinctly bounded by water courſes, mountains, or public roads. The marſhals and their aſſiſtants ſhall reſpectively take an oath or affirmation, before ſome judge or juſtice of the peace, reſident within their reſpective diſtricts, previous to their entering on the diſcharge of the duties by this act required. The oath or affirmation of the marſhal ſhall be, "I, A. B. marſhal of the diſtrict of do ſolemnly ſwear (or affirm) that I will well and truly cauſe to be made, a juſt and perfect enumeration and deſcription of all perſons reſident within my diſtrict, and return the ſame to the Preſident of the United States, agreeably to the directions of an act of Congreſs, intituled, "An act providing for the enumeration of the inhabitants of the United States," according to the beſt of my ability." The oath or affirmation of an aſſiſtant ſhall be, "I, A. B. do ſolemnly ſwear (or affirm) that I will make a juſt and perfect enumeration and deſcription of all perſons reſident within the diviſion aſſigned to me by the marſhal of the diſtrict of and make due return thereof to the ſaid marſhal, agreeably to the directions of an act of Congreſs, intituled, "An Act providing for the enumeration of the inhabitants of the United States," according to the beſt of my ability." The

may appoint aſſiſtants.

marſhals & aſſiſtants to take an oath.

Form of the oath.

enumeration ſhall commence on the firſt Monday in Auguſt next, and ſhall cloſe within nine calendar months thereafter: The ſeveral aſſiſtants ſhall, within the ſaid nine months, tranſmit to the marſhals, by whom they ſhall be reſpectively appointed, accurate returns of all perſons, except Indians not taxed, within their reſpective diviſions, which returns ſhall be made in a ſchedule, diſtinguiſhing the ſeveral families by the names of their maſter, miſtreſs, ſteward, overſeer, or other principal perſon therein, in manner following, that is to ſay:

The enumeration when to commence and cloſe.

Returns to be by ſchedule.

The number of perſons within my diviſion, conſiſting of appears in a ſchedule hereunto annexed, ſubſcribed by me this day of 179

A. B. aſſiſtant to the marſhal of

Form of the ſchedule.

SCHEDULE *of the whole Number of Perſons within the Diviſion allotted to* A. B.

Names of heads of families.	Free white males of ſixteen years & upwards, including heads of families.	Free white males under ſixteen years.	Free white females, including heads of families.	All other free perſons.	Slaves.

Sec. 2. *And be it further enacted*, That every aſſiſtant failing to make return, or making a falſe return of the enumeration to the marſhal, within the time by this act limitted, ſhall forfeit the ſum of two hundred dollars.

Aſſiſtant making falſe return, penalty on.

Sec. 3. *And be it further enacted*, That the marſhals ſhall file the ſeveral returns aforeſaid, with the clerks of their reſpective diſtrict courts, who are hereby directed to receive and carefully preſerve the ſame: And the marſhals ref-

marſhals to file return with the clerks of the diſtrict courts, and tranſmit the

aggregate amount thereof to the President, on or before the 1st of Sept. 1791.

pectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, within the time limitted by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

failing so to do, penalty for.

How recoverable,

and discovered.

Sec. 4. *And be it further enacted*, That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country, and where such persons reside in a

Assistants, rate of compensation to.

city, or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New-Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New-York, three hundred dollars; the marshal of the district of New-Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North-Carolina, three hundred and fifty dollars; the marshal of the district South-Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

Marshals, their compensation.

Sec. 5. *Be it enacted*, That every person

Rules for ascertaining residence.

whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.

What person of a family shall render an account of the numbers therein,

Sec. 6. *And be it further enacted*, That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, shall be, and hereby is obliged to render to such assistant of the division, a true account if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

and penalty for refusing.

Copies of the schedule in each division to be set up at public places, and when.

Sec. 7. *And be it further enacted*, That each assistant shall, previous to making his return to the marshal, cause a correct copy, signed by himself, of the schedule, containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of a copy of the sche-

dule having been ſo ſet up and ſuffered to remain, ſhall be tranſmitted to the marſhal, with the return of the number of perſons; and in caſe any aſſiſtant ſhall fail to make ſuch proof to the marſhal, he ſhall forfeit the compenſation by this act allowed him.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*
APPROVED, March the 1ſt, 1790:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER III.

An Act to eſtabliſh an uniform Rule of Naturalization.

(REPEALED.)

CHAPTER IV.

An Act making Appropriations for the Support of Government, for the Year one thouſand ſeven hundred and ninety.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That there be appropriated for the ſervice of the year one thouſand ſeven hundred and ninety, to be paid out of the monies ariſing from

Appropriations of monies arising from duties, for the civil list;

the duties on imports and tonnage, the following ſums, to wit: A ſum not exceeding one hundred and forty-one thouſand, four hundred and ninety-two dollars, and ſeventy-three cents, for defraying the expences of the civil liſt, as eſtimated by the Secretary of the Treaſury, in the ſtatement annexed to his report made to the Houſe of Repreſentatives on the ninth day of January laſt, including therein the contingencies of the ſeveral executive officers, which are hereby authorized and granted; and alſo, a ſum not exceeding one hundred and fifty-five thouſand, five hundred and thirty-ſeven dollars, and ſeventy-two cents, for defraying the expences of the department of war; and the farther ſum of ninety-ſix thouſand, nine hundred and ſeventy-nine dollars, and ſeventy-two cents, for paying the penſions which may become due to the invalids, as eſtimated in the ſtatements accompanying the aforeſaid report.

war department;

Penſions to invalids.

Sec. 2. *And be it further enacted*, That all the expences ariſing from, and incident to the ſeſſions of Congreſs, which may happen in the courſe of the aforeſaid year, agreeably to laws heretofore paſſed, ſhall be defrayed out of the monies ariſing from the aforeſaid duties on imports and tonnage.

Incidental expences of Congreſs.

Sec. 3. *And be it further enacted*, That the Preſident of the United States be authorized to draw from the treaſury a ſum not exceeding ten thouſand dollars, for the purpoſe of defraying the contingent charges of government, to be paid out of the monies ariſing as aforeſaid from the duties on imports and tonnage; and that he cauſe a regular ſtatement and account of ſuch expenditures to be laid before Congreſs at the end of the year.

Contingent charges of government; for

Sec. 4. *And be it further enacted*, That a ſum not exceeding one hundred and forty-ſeven thouſand one hundred and ſixty-nine dollars, and fifty-four cents, be appropriated out of the monies ariſing as aforeſaid from the duties on imports and tonnage, for diſcharging the demands which exiſt againſt the United States, as ſpecified by the Secretary of the Treaſury in his report made to the Houſe of Repreſentatives on the firſt of March inſtant, including therein a proviſion for building a light-houſe on Cape-Henry in the ſtate of Virginia, and for defraying the expences ariſing from the act, intituled, "An act for the eſtabliſhment and ſupport of light-houſes, beacons, buoys, and public piers." certain ſpecific demands; and for building a light-houſe on Cape Henry; and

Sec. 5. *And be it further enacted*, That out of the aforeſaid appropriation of one hundred and forty-ſeven thouſand one hundred and ſixty-nine dollars and fifty-four cents, the payment of the following ſums, not heretofore provided for by law, and eſtimated in the aforeſaid report of the Secretary of the Treaſury of the firſt of March inſtant, is hereby authoriſed and intended to be made, to wit: For the expences of the late office of foreign affairs, ſix hundred and fifty dollars: To Roger Alden, for his ſervices, including his office expences, and the allowance to his clerks, eight hundred and ſeventy-three dollars, and ſeventy cents: To the late commiſſioner for ſettling the accounts of the departments of the late quarter-maſter-general, and commiſſaries general of purchaſes and iſſues, for his own and clerk's ſervices, from the eighth of May to the firſt of Auguſt, one thouſand ſeven hundred and eighty-nine, one thouſand and ten dollars, and fifty-five cents: To the late commiſſioner for out of which certain payments, not before provided for by law, are authorized.

ſettling the accounts of the late marine, cloth-ing, and hoſpital departments, for his own and clerk's ſervices, from the eighth of May to the third of Auguſt, one thouſand ſeven hundred and eighty-nine, ſix hundred and twenty-eight dollars, and twenty-ſix cents: To the late com-miſſioner for adjuſting the accounts of the ſe-cret and commercial committees of Congreſs, for his ſalary from the firſt of July to the third of Auguſt, one thouſand ſeven hundred and eighty-nine, one hundred and ſeventy-four dol-lars, and ſixteen cents: For defraying the ex-traordinary expences of the late Preſident of Congreſs, three hundred and eighteen dollars, and fifty-three cents: For paying ſalaries to the late loan-officers of the ſeveral ſtates, from the thirtieth day of June to the thirty-firſt day of December, one thouſand ſeven hundred and eighty-nine, including office-charges, ſix thou-ſand ſeven hundred and twenty-five dollars: For paying the intereſt due on the loans made by the Secretary of the Treaſury, two thouſand four hundred and fourteen dollars, and ſixty-one cents.

Sec. 6. *And be it further enacted*, That the ſum of one hundred and twenty dollars, be paid out of the monies ariſing from the aforeſaid duties on imports and tonnage, to Jehoiakim M'Tokſin, in full compenſation for his ſervices as an interpreter and guide in the expedition commanded by major-general Sullivan, in the year one thouſand ſeven hundred and ſeventy-nine; and alſo the ſum of ninety-ſix dollars to James Mathers and Gifford Dalley, each, for ſervices during the late receſs of Congreſs.

For Jehoiakim M'Tokſin.

James Mathers, and G. Dalley.

Sec. 7. *And be it further enacted*, That the Preſident of the United States be authoriſed to

empower the Secretary of the Treaſury, if he ſhall deem it neceſſary, to make ſuch loans as may be requiſite to carry into effect the foregoing appropriations, for the re-payment of which the aforeſaid duties on imports and tonnage ſhall be, and are hereby pledged.

President, if neceſſary, may authorize loans to make good theſe appropriations.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March twenty-ſixth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER V.

An Act to prevent the Exportation of Goods not duly inſpected according to the Laws of the ſeveral States.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That the collectors and other officers of the cuſtoms in the ſeveral ports of the United States, be, and they are hereby directed to pay due regard to the inſpection-laws of the ſtates in which they may reſpectively act, in ſuch manner, that no veſſel having on board goods liable to inſpection, ſhall be cleared out until the maſter or other proper perſon ſhall have pro-

Collectors, &c. not to grant clearances, until a certificate of inſpection is produced.

duced ſuch certificate, that all ſuch goods have been duly inſpected, as the laws of the reſpective ſtates do or may require to be produced to collectors or other officers of the cuſtoms.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, April the 2d, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER VI.

Recital of the deed of ceſſion, by the ſenators of N. Carolina, to the United States; and

An Act to accept a Ceſſion of the Claims of the State of North-Carolina, to a certain Diſtrict of Weſtern Territory.

A DEED of ceſſion having been executed, and in the Senate offered for acceptance to the United States, of the claims of the ſtate of North Carolina, to a diſtrict of territory therein deſcribed; which deed is in the words following, viz.

To all who ſhall ſee theſe Preſents.

We, the underwritten SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators in the Congreſs of the United States of America, duly and conſtitutionally choſen by the Legiſlature of the ſtate of North-Carolina, ſend greeting.

WHEREAS the General Aſſembly of the ſtate of North-Carolina, on the day of December, in the year of our Lord one thouſand ſeven hundred and eighty-nine, paſſed an act, entitled, "An Act for the purpoſe of ceding to the United States of America, certain weſtern lands therein deſcribed," in the words following, to wit:

WHEREAS the United States in Congreſs aſſembled, have repeatedly and earneſtly recommended to the reſpective ſtates in the Union, claiming or owning vacant weſtern territory, to make ceſſions of part of the ſame, as a further means, as well of haſtening the extinguiſhment of the debts, as of eſtabliſhing the harmony of the United States; and the inhabitants of the ſaid weſtern territory being alſo deſirous that ſuch ceſſion ſhould be made, in order to obtain a more ample protection than they have heretofore received: Now this ſtate, being ever deſirous of doing ample juſtice to the public creditors, as well as the eſtabliſhing the harmony of the United States, and complying with the reaſonable deſires of her citizens; *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Senators of this ſtate, in the Congreſs of the United States, or one of the Senators and any two of the Repreſentatives of this ſtate in the Congreſs of the United States, are hereby authoriſed, empowed and required to execute a deed or deeds on the part and behalf of this ſtate, conveying to the United States of America, all right, title and claim which this ſtate has to the ſovereignty and territory of the lands ſituated within the chartered limits of this ſtate, weſt of a line beginning on the extreme height of the Stone

of the act of the legiſlature of that ſtate, by which the execution of the ſaid deed is authoriſed.

Boundaries and conditions of the ceſſion.

Boundaries and conditions of the ceſſion.

Mountain, at the place where the Virginia line interſects it; running thence along the extreme height of the ſaid mountain, to the place where Wataugo River breaks through it; thence a direct courſe to the top of the Yellow Mountain, where Bright's Road croſſes the ſame; thence along the ridge of ſaid mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road croſſes the Iron Mountain; from thence along the extreme height of ſaid mountain, to where Nolichucky River runs through the ſame; thence to the top of the Bald Mountain; thence along the extreme height of the ſaid mountain, to the Painted Rock, on French Broad River; thence along the higheſt ridge of the ſaid mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the ſaid mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the ſaid mountain, to the ſouthern boundary of this ſtate, upon the following expreſs conditions, and ſubject thereto; that is to ſay: *Firſt*, That neither the lands nor inhabitants weſtward of the ſaid mountain ſhall be eſtimated after the ceſſion made by virtue of this act ſhall be accepted, in the aſcertaining the proportion of this ſtate with the United States, in the common expence occaſioned by the late war. *Secondly*, That the lands laid off, or directed to be laid off by any act or acts of the General Aſſembly of this ſtate, for the officers and ſoldiers thereof, their heirs and aſſigns reſpectively, ſhall be and enure to the uſe and benefit of the ſaid officers, their heirs and aſſigns reſpectively; and if the bounds of

the ſaid lands already preſcribed for the officers and ſoldiers of the continental line of this ſtate, ſhall not contain a ſufficient quantity of lands fit for cultivation, to make good the ſeveral proviſions intended by law, that ſuch officer or ſoldier, or his aſſignee, who ſhall fall ſhort of his allotment or proportion, after all the lands fit for cultivation within the ſaid bounds are appropriated, be permitted to take his quota, or ſuch part thereof as may be deficient, in any other part of the ſaid territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwiſe, then, and in that caſe, the Governor for the time being, ſhall, and he is hereby required to perfect, from time to time, ſuch titles, in ſuch manner as if this act had never been paſſed. And that all entries made by, or grants made to all and every perſon or perſons whatſoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, ſhall have the ſame force and effect as if ſuch ceſſion had not been made; and that all and every right of occupancy and pre-emption, and every other right reſerved by any act or acts to perſons ſettled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforeſaid, ſhall continue to be in full force, in the ſame manner as if the ceſſion had not been made, and as conditions upon which the ſaid lands are ceded to the United States. And further, it ſhall be underſtood, that if any perſon or perſons ſhall have, by virtue of the act, entitled, "An act for opening the land-office for the redemption of ſpecie and other certificates, and diſcharging the arrears due to the army," paſ-

Boundaries and conditions of the ceſſion.

Boundaries and conditions of the ceſſion.

ſed in the year one thouſand ſeven hundred and eighty-three, made his or their entry in the office uſually called John Armſtrong's office, and located the ſame to any ſpot or piece of ground, on which any other perſon or perſons ſhall have previouſly located any entry or entries, that then, and in that caſe, the perſon or perſons having made ſuch entry or entries, or their aſſignee or aſſignees ſhall have leave, and be at full liberty to remove the location of ſuch entry or entries, to any lands on which no entry has been ſpecially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained ſhall extend or be conſtrued to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Aſſembly of this ſtate. *Thirdly*, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, ſhall be conſidered as a common fund for the uſe and benefit of the United States of America, North-Carolina incluſive, according to their reſpective and uſual proportion in the general charge and expenditure, and ſhall be faithfully diſpoſed of for that purpoſe, and for no other uſe or purpoſe whatever. *Fourthly*, That the territory ſo ceded, ſhall be laid out and formed into a ſtate or ſtates, containing a ſuitable extent of territory, the inhabitants of which ſhall enjoy all the privileges, benefits and advantages ſet forth in the ordinance of the late Congreſs, for the government of the Weſtern Territory of the United States; that is to ſay, Whenever the Congreſs of the United States ſhall cauſe to be officially tranſmitted

to the executive authority of this ſtate, an authenticated copy of the act to be paſſed by the Congreſs of the United States, accepting the ceſſion of territory made by virtue of this act, under the expreſs conditions hereby ſpecified, the ſaid Congreſs ſhall at the ſame time aſſume the government of the ſaid ceded territory, which they ſhall execute in a manner ſimilar to that which they ſupport in the territory weſt of the Ohio; ſhall protect the inhabitants againſt enemies, and ſhall never bar or deprive them of any privileges which the people in the territory weſt of the Ohio enjoy; *Provided always*, That no regulations made or to be made by Congreſs, ſhall tend to emancipate ſlaves. *Fifthly*, That the inhabitants of the ſaid ceded territory ſhall be liable to pay ſuch ſums of money, as may, from taking their cenſus, be their juſt proportion of the debt of the United States, and the arrears of the requiſitions of Congreſs on this ſtate. *Sixthly*, That all perſons indebted to this ſtate, reſiding in the territory intended to be ceded by virtue of this act, ſhall be held and deemed liable to pay ſuch debt or debts in the ſame manner, and under the ſame penalty or penalties as if this act had never been paſſed. *Seventhly*, That if the Congreſs of the United States do not accept the ceſſion hereby intended to be made, in due form, and give official notice thereof to the executive of this ſtate, within eighteen months from the paſſing of this act, then this act ſhall be of no force or effect whatſoever. *Eighthly*, That the laws in force and uſe in the ſtate of North-Carolina, at the time of paſſing this act, ſhall be, and continue in full force within the territory hereby ceded, until the ſame ſhall be repealed, or otherwiſe

Boundaries and conditions of the ceſſion.

Boundaries and conditions of the ceſſion.

altered by the legiſlative authority of the ſaid territory. *Ninthly*, That the lands of non-reſident proprietors within the ſaid ceded territory, ſhall not be taxed higher than the lands of reſidents. *Tenthly*, That this act ſhall not prevent the people now reſiding ſouth of French Broad, between the rivers Teneſee and Big Pidgeon, from entering their pre-emptions in that tract, ſhould an office be opened for that purpoſe, under an act of the preſent General Aſſembly. *And be it further enacted by the authority aforeſaid*, That the ſovereignty and juriſdiction of this ſtate, in and over the territory aforeſaid, and all and every the inhabitants thereof, ſhall be and remain the ſame in all reſpects, until the Congreſs of the United States ſhall accept the ceſſion to be made by virtue of this act, as if this act had never paſſed.

Read three times, and ratified in General Aſſembly, the day of December, A. D. 1789.

CHAs. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*"

Now therefore know ye, That we, SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators aforeſaid, by virtue of the power and authority committed to us by the ſaid act, and in the name, and for and on behalf of the ſaid ſtate, do, by theſe preſents convey, aſſign, tranſfer, and ſet over unto the United States of America, for the benefit of the ſaid ſtates, North-Carolina incluſive, all right, title, and claim which the ſaid ſtate hath to the ſovereignty and territory of the lands ſituated within the chartered limits of the ſaid ſtate, as bounded and deſcribed in the above recited act of the General Aſſembly, to and for the uſes and pur-

poſes, and on the conditions mentioned in the ſaid act.

In witneſs whereof, we have hereunto ſubſcribed our names, and affixed our ſeals, in the ſenate-chamber, at New-York, this twenty-fifth day of February, in the year of our Lord, one thouſand ſeven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM: JOHNSTON, (L. S.)
BENJAMIN HAWKINS. (L. S.)

Signed, ſealed, and delivered in the preſence of
SAM: A. OTIS.

Be it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled, That the ſaid deed be, and the ſame is hereby accepted. Accepted.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, April the 2d, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER VII.

An Act to promote the Progreſs of uſeful Arts.
(REPEALED.)

CHAPTER VIII.

An Act further to suspend Part of an Act, intituled, Act to regulate the Collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandises, imported into the United States," and to amend the said Act.

(REPEALED.)

CHAPTER IX.

An Act for the Punishment of certain Crimes against the United States.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any person or persons, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death.

Treason, what cases shall be judged, how proved & punished;

Sec. 2. *And be it enacted,* That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal and not as soon as may be disclose and make known the same to the President of the United States, or some one of the judges there-

also of misprision of treason.

of, or to the President or Governor of a particular state, or some one of the judges or justices thereof, such person or persons on conviction shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

Murder in a fort, arsenal, &c. punished with death;

Sect. 3. *And be it enacted*, That if any person or persons shall, within any fort, arsenal, dock-yard, magazine, or in any other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of wilful murder, such person or persons on being thereof convicted, shall suffer death.

and court may order offender's body to be dissected.

Sect. 4. *And be it also enacted*, That the court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the marshal who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided*, That such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender.

Rescue of a body ordered for dissection, punishment for.

Sec. 5. *And be it further enacted*, That if any person or persons shall, after such execution had, by force rescue or attempt to rescue the body of such offender out of the custody of the marshal or his officers, during the conveyance of such body to any place for dissection as aforesaid; or shall by force rescue or

attempt to rescue such body from the house of any surgeon, where the same shall have been deposited, in pursuance of this act; every person so offending, shall be liable to a fine not exceeding one hundred dollars, and an imprisonment not exceeding twelve months.

Misprision of felony. what cases shall be judged, and how punished.

Sec. 6. *And be it enacted*, That if any person or persons having knowledge of the actual commission of the crime of wilful murder or other felony, upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, shall conceal, and not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, on conviction thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

Manslaughter in a fort, arsenal, &c. how punished.

Sec. 7. *And be it enacted*, That if any person or persons shall within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of man-slaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Piracy and felony, what cases shall be judged, where tried and how punished.

Sec. 8. *And be it enacted*, That if any person or persons shall commit upon the high seas, or in any river, haven, bason or bay, out of the jurisdiction of any particular state, murder or robbery, or any other offence which if committed within the body of a county, would by the laws of the United States be punish-

able with death; or if any captain or mariner of any ſhip or other veſſel, ſhall piratically and feloniouſly run away with ſuch ſhip or veſſel, or any goods or merchandize to the value of fifty dollars, or yield up ſuch ſhip or veſſel voluntarily to any pirate; or if any ſeaman ſhall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ſhip or goods committed to his truſt, or ſhall make a revolt in the ſhip; every ſuch offender ſhall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, ſhall ſuffer death: and the trial of crimes committed on the high ſeas, or in any place out of the juriſdiction of any particular ſtate, ſhall be in the diſtrict where the offender is apprehended, or into which he may firſt be brought.

Sec. 9. *And be it enacted*, That if any citizen ſhall commit any piracy or robbery aforeſaid, or any act of hoſtility againſt the United States, or any citizen thereof, upon the high ſea, under color of any commiſſion from any foreign prince, or ſtate, or on pretence of authority from any perſon, ſuch offender ſhall, notwithſtanding the pretence of any ſuch authority, be deemed, adjudged and taken to be a pirate, felon, and robber, and on being thereof convicted, ſhall ſuffer death.

Sec. 10. *And be it enacted*, That every perſon who ſhall, either upon the land or the ſeas, knowingly and wittingly aid and aſſiſt, procure, command, counſel or adviſe any perſon or perſons, to do or commit any murder or robbery, or other piracy aforeſaid, upon the ſeas, which ſhall affect the life of ſuch perſon, and ſuch perſon or perſons ſhall there- Acceſſaries therein, how puniſhed.

upon do or commit any ſuch piracy or robbery, then all and every ſuch perſon ſo as aforeſaid aiding, aſſiſting, procuring, commanding, counſelling or adviſing the ſame, either upon the land or the ſea, ſhall be, and they are hereby declared, deemed and adjudged to be acceſſary to ſuch piracies before the fact, and every ſuch perſon being thereof convicted ſhall ſuffer death.

Sec. 11. *And be it enacted*, That after any murder, felony, robbery, or other piracy whatſoever aforeſaid, is or ſhall be committed by any pirate or robber, every perſon who knowing that ſuch pirate or robber has done or committed any ſuch piracy or robbery, ſhall on the land or at ſea receive, entertain or conceal any ſuch pirate or robber, or receive or take into his cuſtody any ſhip, veſſel, goods or chattels, which have been by any ſuch pirate or robber piratically and felonioufly taken, ſhall be, and are hereby declared, deemed and adjudged to be acceſſory to ſuch piracy or robbery, after the fact; and on conviction thereof, ſhall be impriſoned not exceeding three years, and fined not exceeding five hundred dollars.

Confederacy to become pirates, how puniſhed;

Sec. 12. *And be it enacted*, That if any ſeaman or other perſon ſhall commit manſlaughter upon the high ſeas, or confederate or attempt or endeavour to corrupt any commander, maſter, officer or mariner, to yield up or to run away with any ſhip or veſſel, or with any goods, wares, or merchandize, or to turn pirate, or to go over to or confederate with pirates, or in any wiſe trade with any pirate knowing him to be ſuch, or ſhall furniſh ſuch pirate with any ammunition, ſtores or

proviſions of any kind, or ſhall fit out any veſſel knowingly, and with a deſign to trade with or ſupply or correſpond with any pirate or robber upon the ſeas; or if any perſon or perſons ſhall any ways conſult, combine, confederate or correſpond with any pirate or robber on the ſeas, knowing him to be guilty of any ſuch piracy or robbery; or if any ſeaman ſhall confine the maſter of any ſhip or other veſſel, or endeavour to make a revolt in ſuch ſhip; ſuch perſon or perſons ſo offending, and being thereof convicted, ſhall be impriſoned not exceeding three years, and fined not exceeding one thouſand dollars.

Maiming, what caſes ſhall be judged, and how puniſhed.

Sec. 13. *And be it enacted*, That if any perſon or perſons, within any of the places upon the land under the ſole and excluſive juriſdiction of the United States, or upon the high ſeas, in any veſſel belonging to the United States, or to any citizen or citizens thereof, on purpoſe and of malice aforethought, ſhall unlawfully cut off the ear or ears, or cut out or diſable the tongue, put out an eye, ſlit the noſe, cut off the noſe or a lip, or cut off or diſable any limb or member of any perſon, with intention in ſo doing to maim or diſfigure ſuch perſon in any the manners before mentioned, then and in every ſuch caſe the perſon or perſons ſo offending, their counſellors, aiders and abettors (knowing of and privy to the offence aforeſaid) ſhall on conviction, be impriſoned not exceeding ſeven years, and fined not exceeding one thouſand dollars.

Sec. 14. *And be it enacted*, That if any perſon or perſons ſhall falſely make, alter, forge or counterfeit, or cauſe or procure to be falſe-

Forgery, what cases ſhall be judged, and how puniſhed.

ly made, altered, forged, or counterfeited, or willingly act or aſſiſt in the falſe making, altering, forging or counterfeiting any certificate, indent, or other public ſecurity of the United States, or ſhall utter, put off, or offer, or cauſe to be uttered, put off or offered in payment or for ſale any ſuch falſe, forged, altered or counterfeited certificate, indent or other public ſecurity, with intention to defraud any perſon, knowing the ſame to be falſe, altered, forged, or counterfeited, and ſhall be thereof convicted, every ſuch perſon ſhall ſuffer death.

Stealing or falſifying any record, proceſs, &c. how puniſhed.

Sec. 15. *And be it enacted*, That if any perſon ſhall feloniouſly ſteal, take away, alter, falſify, or otherwiſe avoid any record, writ, proceſs, or other proceedings in any of the courts of the United States, by means whereof any judgment ſhall be reverſed, made void, or not take effect, or if any perſon ſhall acknowledge or procure to be acknowledged in any of the courts aforeſaid, any recognizance, bail or judgment, in the name or names of any other perſon or perſons not privy or conſenting to the ſame, every ſuch perſon or perſons on conviction thereof, ſhall be fined not exceeding five thouſand dollars, or be impriſoned not exceeding ſeven years, and whipped not exceeding thirty-nine ſtripes. *Provided nevertheleſs*, That this act ſhall not extend to the acknowledgement of any judgment or judgments by any attorney or attornies, duly admitted for any perſon or perſons againſt whom any ſuch judgment or judgments ſhall be had or given.

Exceptions.

Sec. 16. *And be it enacted*, That if any perſon within any of the places under the ſole and excluſive juriſdiction of the United States,

or upon the high ſeas, ſhall take and carry away, with an intent to ſteal or purloin the perſonal goods of another; or if any perſon or perſons, having at any time hereafter the charge or cuſtody of any arms, ordnance, munition, ſhot, powder, or habiliments of war belonging to the United States, or of any victuals provided for the victualing of any ſoldiers, gunners, marines or pioneers, ſhall for any lucre or gain, or wittingly, adviſedly, and of purpoſe to hinder or impede the ſervice of the United States, embezzle, purloin or convey away any of the ſaid arms, ordnance, munition, ſhot or powder, habiliments of war, or victuals, that then and in every of the caſes aforeſaid, the perſon or perſons ſo offending, their counſellors, aiders and abettors (knowing of and privy to the offences aforeſaid) ſhall, on conviction, be fined not exceeding the fourfold value of the property ſo ſtolen, embezzled or purloined; the one moiety to be paid to the owner of the goods, or the United States, as the caſe may be, and the other moiety to the informer and proſecutor, and be publicly whipped, not exceeding thirty-nine ſtripes.

Larceny, what caſes ſhall be judged, and how puniſhed.

Sec. 17. *And be it further enacted*, That if any perſon or perſons within any part of the juriſdiction of the United States as aforeſaid, ſhall receive or buy any goods or chattels that ſhall be felonioufly taken or ſtolen from any other perſon, knowing the ſame to be ſtolen, or ſhall receive, harbour or conceal any felons or thieves, knowing them to be ſo, he or they being of either of the ſaid offences legally convicted, ſhall be liable to the like puniſhments as in the caſe of larceny before are preſcribed.

Receivers of ſtolen goods, &c. how puniſhed.

Perjury how punished.

Sec. 18. *And be it enacted*, That if any perſon ſhall wilfully and corruptly commit perjury, or ſhall by any means procure any perſon to commit corrupt and wilful perjury, on his or her oath or affirmation in any ſuit, controverſy, matter or cauſe depending in any of the courts of the United States, or in any depoſition taken purſuant to the laws of the United States, every perſon ſo offending, and being thereof convicted, ſhall be impriſoned not exceeding three years, and fined not exceeding eight hundred dollars; and ſhall ſtand in the pillory for one hour, and be thereafter rendered incapable of giving teſtimony in any of the courts of the United States, until ſuch time as the judgment ſo given againſt the ſaid offender ſhall be reverſed.

In proſecutions for perjury, ſhall be ſufficient to ſet forth ſubſtance of the charge;

Sec. 19. *And be it enacted*, That in every preſentment or indictment to be proſecuted againſt any perſon for wilful and corrupt perjury, it ſhall be ſufficient to ſet forth the ſubſtance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring ſuch court, or perſon or perſons to have a competent authority to adminiſter the ſame) together with the proper averment or averments to falſify the matter or matters wherein the perjury or perjuries is or are aſſigned; without ſetting forth the bill, anſwer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforeſaid, and without ſetting forth the commiſſion or authority of the court, or perſon or perſons before whom the perjury was committed.

Sec. 20. *And be it further enacted*, That in every preſentment or indictment for ſuborna-

tion of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

also, in prosecutions for subornation of perjury.

Sec. 21. *And be it enacted*, That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the United States, in any suit, controversy, matter or cause depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting or securing to be given, paid or delivered, any sum or sums of money, present, reward or other bribe as aforesaid, and the judge or judges who shall in any wise accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honor, trust or profit under the United States.

Bribery, what cases shall be judged, and how punished.

Sec. 22. *And be it enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist or oppose any officer of the United States, in serving or attempting to

Persons obstructing the execution of process, how punished.

ſerve or execute any meſne proceſs, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or proceſs whatſoever, or ſhall aſſault, beat or wound any officer, or other perſon duly authoriſed in ſerving or executing any writ, rule, order, proceſs or warrant aforeſaid, every perſon ſo knowingly and wilfully offending in the premiſes, ſhall, on conviction thereof, be impriſoned not exceeding twelve months, and fined not exceeding three hundred dollars.

Reſcue of perſons convicted, or before conviction, how puniſhed.

Sec. 23. *And be it further enacted*, That if any perſon or perſons, ſhall by force ſet at liberty, or reſcue any perſon who ſhall be found guilty of treaſon, murder, or any other capital crime, or reſcue any perſon convicted of any of the ſaid crimes, going to execution, or during execution, every perſon ſo offending, and being thereof convicted, ſhall ſuffer death: And if any perſon ſhall by force ſet at liberty, or reſcue any perſon who before conviction ſhall ſtand committed for any of the capital offences aforeſaid; or if any perſon or perſons ſhall by force ſet at liberty, or reſcue any perſon committed for or convicted of any other offence againſt the United States, every perſon ſo offending, ſhall, on conviction, be fined not exceeding five hundred dollars, and impriſoned not exceeding one year.

No conviction to work corruption of blood, or forfeiture of eſtate.

Sec. 24. *Provided always, and be it enacted*, That no conviction or judgment for any of the offences aforeſaid, ſhall work corruption of blood, or any forfeiture of eſtate.

Sec. 25. *And be it enacted*, That if any writ or proceſs ſhall at any time hereafter be ſued forth or proſecuted by any perſon or perſons,

in any of the courts of the United States, or in any of the courts of a particular ſtate, or by any judge or juſtice therein reſpectively, whereby the perſon of any ambaſſador or other public miniſter of any foreign prince or ſtate, authoriſed and received as ſuch by the Preſident of the United States, or any domeſtic or domeſtic ſervant of any ſuch ambaſſador or other public miniſter, may be arreſted or impriſoned, or his or their goods or chattels be diſtrained, ſeized or attached, ſuch writ or proceſs ſhall be deemed and adjudged to be utterly null and void to all intents, conſtruction and purpoſes whatſoever. Proceſs ſued in any court of the U. States, or of a particular ſtate againſt a foreign miniſter, void; and

Sec. 26. *And be it enacted*, That in caſe any perſon or perſons ſhall ſue forth or proſecute any ſuch writ or proceſs, ſuch perſon or perſons, and all attornies or ſolicitors proſecuting or ſoliciting in ſuch caſe, and all officers executing any ſuch writ or proceſs, being thereof convicted, ſhall be deemed violaters of the laws of nations, and diſturbers of the public repoſe, and impriſoned not exceeding three years, and fined at the diſcretion of the court. perſons ſuing the ſame, how puniſhed.

Sec. 27. *Provided nevertheleſs*, That no citizen or inhabitant of the United States, who ſhall have contracted debts prior to his entering into the ſervice of any ambaſſador or other public miniſter, which debts ſhall be ſtill due and unpaid, ſhall have, take or receive any benefit of this act; nor ſhall any perſon be proceeded againſt by virtue of this act, for having arreſted or ſued any other domeſtic ſervant of any ambaſſador or other public miniſter, unleſs the name of ſuch ſervant be firſt regiſtered in the office of the Secretary of State, and by ſuch Secretary tranſmitted to the mar- Certain caſes excepted.

ſhal of the diſtrict in which Congreſs ſhall reſide, who ſhall upon receipt thereof affix the ſame in ſome public place in his office, whereto all perſons may reſort and take copies without fee or reward.

Violation of a ſafe conduct, or to the perſon of public miniſter, how puniſhed.

Sec. 28. *And be it enacted*, That if any perſon ſhall violate any ſafe-conduct or paſſport duly obtained and iſſued under the authority of the United States, or ſhall aſſault, ſtrike, wound, impriſon, or in any other manner infract the law of nations, by offering violence to the perſon of an ambaſſador or other public miniſter, ſuch perſon ſo offending, on conviction, ſhall be impriſoned not exceeding three years, and fined at the diſcretion of the court.

In caſes of treaſon, priſoner ſhall have copy of indictment, liſt of the jury & witneſſes, &c.

In other capital caſes, copy of indictment & liſt of the jury; alſo be allowed counſel,

Sec. 29. *And be it enacted*, That any perſon who ſhall be accuſed and indicted of treaſon, ſhall have a copy of the indictment, and a liſt of the jury and witneſſes, to be produced on the trial for proving the ſaid indictment, mentioning the names and places of abode of ſuch witneſſes and jurors, delivered unto him at leaſt three entire days before he ſhall be tried for the ſame; and in other capital offences, ſhall have ſuch copy of the indictment and liſt of the jury two entire days at leaſt before the trial: And that every perſon ſo accuſed and indicted for any of the crimes aforeſaid, ſhall alſo be allowed and admitted to make his full defence by counſel learned in the law; and the court before whom ſuch perſon ſhall be tried, or ſome judge thereof, ſhall, and they are hereby authoriſed and required immediately upon his requeſt, to aſſign to ſuch perſon ſuch counſel, not exceeding two, as ſuch perſon ſhall deſire, to whom ſuch coun-

ſel ſhall have free acceſs at all ſeaſonable hours; and every ſuch perſon or perſons accuſed or indicted of the crimes aforeſaid, ſhall be allowed and admitted in his ſaid defence to make any proof that he or they can produce, by lawful witneſs or witneſſes, and ſhall have the like proceſs of the court where he or they ſhall be tried, to compel his or their witneſſes to appear at his or their trial, as is uſually granted to compel witneſſes to appear on the proſecution againſt them.

and proceſs to compel the attendance of witneſſes.

Sec. 30. *And be it further enacted*, That if any perſon or perſons be indicted of treaſon againſt the United States, and ſhall ſtand mute or refuſe to plead, or ſhall challenge peremptorily above the number of thirty-five of the jury; or if any perſon or perſons be indicted of any other of the offences herein before ſet forth, for which the puniſhment is declared to be death, if he or they ſhall alſo ſtand mute or will not anſwer to the indictment, or challenge peremptorily above the number of twenty perſons of the jury; the court in any of the caſes aforeſaid, ſhall notwithſtanding proceed to the trial of the perſon or perſons ſo ſtanding mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

In caſes of treaſon or other capital offence, priſoner ſtanding mute,

how to be proceeded againſt.

Sec. 31. *And be it further enacted*, That the benefit of clergy ſhall not be uſed or allowed, upon conviction of any crime, for which, by any ſtatute of the United States, the puniſhment is or ſhall be declared to be death.

No benefit of clergy in caſes where the puniſhment is death.

Sec. 32. *And be it further enacted*, That no perſon or perſons ſhall be proſecuted, tried or puniſhed for treaſon or other capital offence aforeſaid, wilful murder or forgery excepted,

No prosecution or punishment for treason or other capital offence unless indictment be found within 3 years, nor in other cases unless within 2 years;

except the offender flee.

unless the indictment for the same shall be found by a grand jury within three years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That nothing herein contained shall extend to any person or persons fleeing from justice.

Punishment of death to be by hanging.

Sec. 33. *And be it further enacted*, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, April the 30th, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER X.

An Act for regulating the Military Establishment of the United States.

(REPEALED.)

CHAPTER XI.

An Act to preſcribe the Mode in which the public Acts, Records, and judicial Proceedings, in each State, ſhall be authenticated ſo as to take Effect in every other State.

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That the acts of the legiſlatures of the ſeveral ſtates ſhall be authenticated by having the ſeal of their reſpective ſtates affixed thereto: That the records and judicial proceedings of the courts of any ſtate, ſhall be proved or admitted in any other court within the United States, by the atteſtation of the clerk, and the ſeal of the court annexed, if there be a ſeal, together with a certificate of the judge, chief juſtice, or preſiding magiſtrate, as the caſe may be, that the ſaid atteſtation is in due form. And the ſaid records and judicial proceedings authenticated as aforeſaid, ſhall have ſuch faith and credit given to them in every court within the United States, as they have by law or uſage in the courts of the ſtate from whence the ſaid records are, or ſhall be taken.

Legiſlative acts, records and judicial proceedings of the ſeveral ſtates, how to be authenticated; and the effect thereof.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, May twenty-ſixth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XII.

An Act to provide for mitigating or remitting the Forfeitures and Penalties accruing under the Revenue Laws, in certain Cases therein mentioned.

Mitigation or remiſſion of penalties, &c. how to be applied for; and

Section 1. BE *it enacted by the Senate and House of Repreſentatives of the United States of America in Congreſs aſſembled*, That whenever any perſon who now is, or hereafter ſhall be liable to a fine, penalty or forfeiture, or intereſted in any veſſel, goods, wares or merchandize, or other thing which may be ſubject to ſeizure and forfeiture, by force of the laws of the United States now exiſting, or which may hereafter exiſt, for collecting duties of impoſt and tonnage, and for regulating the coaſting trade, ſhall prefer his petition to the judge of the diſtrict in which ſuch fine, penalty or forfeiture may have accrued, truly and particularly ſetting forth the circumſtances of his caſe, and ſhall pray that the ſame may be mitigated or remitted; the ſaid judge ſhall enquire in a ſummary manner into the circumſtances of the caſe, firſt cauſing reaſonable notice to be given to the perſon or perſons, claiming ſuch fine, penalty or forfeiture, and to the attorney of the United States for ſuch diſtrict, that each may have an opportunity of ſhewing cauſe againſt the mitigation or remiſſion thereof; and ſhall cauſe the facts which ſhall appear upon ſuch enquiry, to be ſtated and annexed to the petition, and direct their tranſmiſſion to the Secretary of the Treaſury of the United States, who ſhall thereupon have power to mitigate or remit ſuch fine, penalty or forfeiture, or any part

by whom granted;

thereof, if in his opinion the ſame was incurred without wilful negligence or any intention of fraud, and to direct the proſecution, if any ſhall have been inſtituted for the recovery thereof, to ceaſe and be diſcontinued, upon ſuch terms or conditions as he may deem reaſonable and juſt. *Provided*, That nothing herein contained ſhall be conſtrued to affect the right or claim of any perſon, to that part of any fine, penalty or forfeiture, incurred by breach of either of the laws aforeſaid, which ſuch perſon may be entitled to by virtue of the ſaid laws, in caſes where a proſecution has been commenced, or information has been given before the paſſing of this act; the amount of which right and claim ſhall be aſſeſſed and valued by the judge of the diſtrict, in a ſummary manner.

Not to affect caſes of previous information.

Sec. 2. *And be it further enacted*, That this act ſhall continue and be in force until the end of the next ſeſſion of Congreſs, and no longer.

Continuance of the act.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, May twenty-ſixth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XIII.

An Act to continue in Force an Act passed at the last Session of Congress, entitled, "An Act to regulate Processes in the Courts of the United States."

(EXPIRED.)

CHAPTER XIV.

An Act for the Government of the Territory of the United States, south of the River Ohio.

(EXPIRED.)

CHAPTER XV.

An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such Copies, during the Times therein mentioned."

Authors of maps, charts and books;

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the

copy-right of ſuch map, chart, book or books, ſhare or ſhares thereof; and any other perſon or perſons, being a citizen or citizens of theſe United States, or reſidents therein, his or their executors, adminiſtrators or aſſigns, who hath or have purchaſed or legally acquired the copy-right of any ſuch map, chart, book or books, in order to print, reprint, publiſh or vend the ſame, ſhall have the ſole right and liberty of printing, reprinting, publiſhing and vending ſuch map, chart, book or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is herein after directed: And that the author and authors of any map, chart, book or books already made and compoſed, and not printed or publiſhed, or that ſhall hereafter be made and compoſed, being a citizen or citizens of theſe United States, or reſident therein, and his or their executors, adminiſtrators or aſſigns, ſhall have the ſole right and liberty of printing, reprinting, publiſhing and vending ſuch map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforeſaid. And if, at the expiration of the ſaid term, the author or authors, or any of them, be living, and a citizen or citizens of theſe United States, or reſident therein, the ſame excluſive right ſhall be continued to him or them, his or their executors, adminiſtrators or aſſigns, for the further term of fourteen years: *Provided*, he or they ſhall cauſe the title thereof to be a ſecond time recorded and publiſhed in the ſame manner as is herein after directed, and that within ſix months before the expiration of the firſt term of fourteen years aforeſaid.

and purchaſers from them to have the ſole right of publication &c. for 14 years;

recording the title, &c.

Alſo, if living at the end of that term, to have the further term of 14 years;

recording the title, &c.

Other perſons printing, &c. without conſent of the author how to be proceeded againſt and puniſhed.

Sec. 2. *And be it further enacted*, That if any other perſon or perſons, from and after the recording the title of any map, chart, book or books, and publiſhing the ſame as aforeſaid, and within the times limited and granted by this act, ſhall print, reprint, publiſh, or import, or cauſe to be printed, reprinted, publiſhed, or imported from any foreign kingdom or ſtate, any copy or copies of ſuch map, chart, book or books, without the conſent of the author or proprietor thereof, firſt had and obtained in writing, ſigned in the preſence of two or more credible witneſſes; or knowing the ſame to be ſo printed, reprinted, or imported, ſhall publiſh, ſell, or expoſe to ſale, or cauſe to be publiſhed, ſold, or expoſed to ſale, any copy of ſuch map, chart, book or books, without ſuch conſent firſt had and obtained in writing as aforeſaid, then ſuch offender or offenders ſhall forfeit all and every copy and copies of ſuch map, chart, book or books, and all and every ſheet and ſheets, being part of the ſame, or either of them, to the author or proprietor of ſuch map, chart, book or books, who ſhall forthwith deſtroy the ſame: And every ſuch offender and offenders ſhall alſo forfeit and pay the ſum of fifty cents for every ſheet which ſhall be found in his or their poſſeſſion, either printed or printing, publiſhed, imported or expoſed to ſale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of ſuch map, chart, book or books who ſhall ſue for the ſame, and the other moiety thereof, to and for the uſe of the United States, to be recovered by action of debt in any court of record in the United States, wherein the ſame is cognizable. *Provided always*, That

ſuch action be commenced within one year after the cauſe of action ſhall ariſe, and not afterwards.

Sec. 3. *And be it further enacted*, That no perſon ſhall be entitled to the benefit of this act, in caſes where any map, chart, book or books, hath or have been already printed and publiſhed, unleſs he ſhall firſt depoſit, and in all other caſes, unleſs he ſhall before publication depoſit a printed copy of the title of ſuch map, chart, book or books, in the clerk's office of the diſtrict court where the author or proprietor ſhall reſide: And the clerk of ſuch court is hereby directed and required to record the ſame forthwith, in a book to be kept by him for that purpoſe, in the words following, (giving a copy thereof to the ſaid author or proprietor, under the ſeal of the court, if he ſhall require the ſame.) "Diſtrict of to wit: *Be it remembered*, That on the day of in the year of the independence of the United States of America, A. B. of the ſaid diſtrict, hath depoſited in this office the title of a map, chart, book or books, (as the caſe may be) the right whereof he claims as author or proprietor, (as the caſe may be) in the words following, to wit: [here inſert the title] in conformity to the act of the Congreſs of the United States, intituled, "An Act for the encouragement of learning, by ſecuring the copies of maps, charts, and books, to the authors and proprietors of ſuch copies, during the times therein mentioned." C. D. clerk of the diſtrict of ." For which the ſaid clerk ſhall be entitled to receive ſixty cents from the ſaid author or proprietor, and ſixty cents for every copy under ſeal actually given to ſuch author or pro-

Conditions on which the benefit of this act ſhall be obtained.

prietor as aforeſaid. And ſuch author or proprietor ſhall, within two months from the date thereof, cauſe a copy of the ſaid record to be publiſhed in one or more of the newſpapers printed in the United States, for the ſpace of four weeks.

Authors to deliver a copy of their work to the ſecretary of ſtate.

Sec. 4. *And be it further enacted*, That the author or proprietor of any ſuch map, chart, book or books, ſhall, within ſix months after the publiſhing thereof, deliver, or cauſe to be delivered to the Secretary of State a copy of the ſame, to be preſerved in his office.

No prohibition againſt importing, reprinting, &c of foreign writings or publications.

Sec. 5. *And be it further enacted*, That nothing in this act ſhall be conſtrued to extend to prohibit the importation or vending, reprinting or publiſhing within the United States, of any map, chart, book or books, written, printed, or publiſhed by any perſon not a citizen of the United States, in foreign parts or places without the juriſdiction of the United States.

Penalty for publiſhing manuſcripts without conſent of the authors.

Sec. 6. *And be it further enacted*, That any perſon or perſons who ſhall print or publiſh any manuſcript, without the conſent and approbation of the author or proprietor thereof, firſt had and obtained as aforeſaid, (if ſuch author or proprietor be a citizen of, or reſident in theſe United States) ſhall be liable to ſuffer and pay to the ſaid author or proprietor all damages occaſioned by ſuch injury, to be recovered by a ſpecial action on the caſe founded upon this act, in any court having cognizance thereof.

Perſons ſued for any thing done under this act, may give

Sec. 7. *And be it further enacted*, That if any perſon or perſons ſhall be ſued or proſecuted for any matter, act or thing done under or by virtue of this act, he or they

may plead the general iſſue, and give the ſpecial matter in evidence. ſpecial matter in evidence.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, May the thirty-firſt, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XVI.

An Act for finally adjuſting and ſatisfying the Claims of Frederick William De Steuben.

(PRIVATE.)

CHAPTER XVII.

An Act for giving Effect to an Act, intituled, "An Act to eſtabliſh the Judicial Courts of the United States," within the State of North-Carolina.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America, in Congreſs aſſembled,* That the act, intituled, "An Act to eſtabliſh the judicial courts of the United States," ſhall have the like force and effect within the ſtate of North-Carolina, as elſewhere within the United States. Judicial act declared in force as to N. Carolina.

Sec. 2. *And be it further enacted,* That the ſaid ſtate ſhall be one diſtrict, to be called North-Carolina diſtrict; and there ſhall be a diſtrict court therein, to conſiſt of one judge District court, its ſeſſions and

who ſhall reſide in the diſtrict, and be called a diſtrict judge, and ſhall hold annually four ſeſſions; the firſt to commence on the firſt Monday in July next, and the other three ſeſſions progreſſively on the like Monday of every third calendar month afterwards. The ſtated diſtrict court ſhall be held at the town of Newbern.

where held.

Annexed to ſouthern circuit.

Sec. 3. *And be it further enacted*, That the ſaid diſtrict ſhall be, and the ſame is hereby annexed to the ſouthern circuit: And there ſhall be held annually in the ſaid diſtrict two circuit courts; the firſt ſeſſion of the circuit court ſhall commence on the eighteenth day of June next, the ſecond ſeſſion on the eighth day of November next, and the ſubſequent ſeſſions on the like days of every June and November afterwards, except when any of the days ſhall happen on a Sunday, and then the ſeſſion ſhall commence on the next day following. And the ſeſſions of the ſaid circuit courts ſhall be held at Newbern.

Circuit courts, their ſeſſions, and where held.

Salary of the judge.

Sec. 4. *And be it further enacted*, That there ſhall be allowed to the judge of the ſaid diſtrict, the yearly compenſation of fifteen hundred dollars, to commence from his appointment, and to be paid at the treaſury of the United States in quarterly payments.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, June the fourth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XVIII.

An Act supplemental to the Act for eſtabliſhing the Salaries of the Executive Officers of Government, with their Aſſiſtants and Clerks.

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That the more effectually to do and perform the duties in the Department of State, the Secretary of the ſaid department be, and is hereby authorized to appoint an additional clerk in his office, who ſhall be allowed an equal ſalary, to be paid in the ſame manner as is allowed by law to the chief clerk.

Secretary of State to appoint an additional clerk; with what ſalary.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, June the fourth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XIX.

An Act for giving Effect to the ſeveral Acts, therein mentioned, in reſpect to the State of Rhode-Iſland and Providence Plantations.

(REPEALED.)

CHAPTER XX.

An Act for the Relief of Thomas Jenkins and Company.

(PRIVATE.)

CHAPTER. XXI.

An Act for giving Effect to an Act, intituled, "An Act to eſtabliſh the Judicial Courts of the United States," within the State of Rhode-Iſland and Providence Plantations.

Section 1. BE *it enacted by the Senate and House of Repreſentatives of the United States of America in Congreſs aſſembled,* That the act, intituled, "An act to eſtabliſh the judicial courts of the United States," ſhall have the like force and effect within the ſtate of Rhode-Iſland and Providence Plantations, as elſewhere within the United States.

Judicial act declared in force as to R. Iſland.

Sec. 2. *And be it further enacted,* That the ſaid ſtate ſhall be one diſtrict, to be called Rhode-Iſland diſtrict: and there ſhall be a diſtrict court therein, to conſiſt of one judge, who ſhall reſide in the diſtrict, and be called a diſtrict judge, and ſhall hold annually four ſeſſions; the firſt to commence on the firſt Monday in Auguſt next, and the other three ſeſſions progreſſively on the like Monday of every third calendar month afterwards. The ſtated diſtrict court ſhall be held alternately at the towns of Newport and Providence, beginning at the firſt.

Diſtrict court, its ſeſſions, & where held.

Sec. 3. *And be it further enacted,* That the ſaid diſtrict ſhall be, and the ſame is hereby annexed to the eaſtern circuit: And there

Annexed to eaſtern circuit.

ſhall be held annually in the ſaid diſtrict two circuit courts; the firſt ſeſſion of the circuit court ſhall commence on the fourth day of December next, the ſecond ſeſſion on the fourth day of June next, and the ſubſequent ſeſſions on the like days of every December and June afterwards, except when any of the days ſhall happen on a Sunday, and then the ſeſſion ſhall commence on the day following. And the ſeſſions of the ſaid circuit courts ſhall be held alternately at the ſaid towns of Newport and Providence, beginning at the laſt. Circuit courts, their ſeſſions, & where held.

Sec. 4. *And be it further enacted*, That there ſhall be allowed to the judge of the ſaid diſtrict, the yearly compenſation of eight hundred dollars, to commence from his appointment, and to be paid at the treaſury of the United States, in quarterly payments. Salary of the judge.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, June the twenty-third, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXII.

An Act providing the Means of Intercourſe between the United States and foreign Nations.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America, in Congreſs aſſembled,* That the Preſident of the United States ſhall be, and he hereby is authorized to draw from the treaſury of the United States, a ſum not exceeding forty thouſand dollars annually, to be paid out of the monies ariſing from the duties on imports and tonnage, for the ſupport of ſuch perſons as he ſhall commiſſion to ſerve the United States in foreign parts, and for the expence incident to the buſineſs in which they may be employed. *Provided,* That excluſive of an outfit, which ſhall in no caſe exceed the amount of one year's full ſalary to the miniſter plenipotentiary or chargé des affaires to whom the ſame may be allowed, the Preſident ſhall not allow to any miniſter plenipotentiary, a greater ſum than at the rate of nine thouſand dollars per annum, as a compenſation for all his perſonal ſervices and other expences; nor a greater ſum for the ſame, than four thouſand five hundred dollars per annum to a chargé des affaires; nor a greater ſum for the ſame, than one thouſand three hundred and fifty dollars per annum to the ſecretary of any miniſter plenipotentiary. *And provided alſo,* That the Preſident ſhall account ſpecifically for all ſuch expenditures of the ſaid money as in his judgment may be made public, and alſo for the amount of ſuch expenditures as he may think it adviſeable not to ſpecify, and cauſe a regular ſtatement and account thereof to be laid

Preſident authorized to draw 40,000 dols

for outfit.

and ſalaries of miniſters plenipotentiary, and

chargé des affaires, and

miniſter's ſecretary;

and to account ſpecifically.

before Congreſs annually, and alſo lodged in the proper office of the treaſury department.

continuance of this act.

Sec. 2. *And be it further enacted*, That this act ſhall continue and be in force for the ſpace of two years, and from thence until the end of the next ſeſſion of Congreſs thereafter, and no longer.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States and Preſident of the Senate.*

APPROVED, July the firſt, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXIII.

An Act to ſatisfy the Claims of John M'Cord againſt the United States.

(PRIVATE.)

CHAPTER XXIV.

An Act for the Relief of Nathaniel Twining.

(PRIVATE.)

CHAPTER XXV.

An Act for giving Effect to an Act, intituled, "An Act providing for the Enumeration of the Inhabitants of the United States," in reſpect to the State of Rhode-Iſland and Providence Plantations.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That the act paſſed the preſent ſeſſion of Congreſs, intituled, "An Act providing for the

Act for enumeration declared in force as to R. Iſland.

enumeration of the inhabitants of the United States," ſhall be deemed to have the like force and operation within the ſtate of Rhode-Iſland and Providence Plantations, as elſewhere within the United States; and all the regulations, proviſions, directions, authorities, penalties, and other matters whatſoever, contained or expreſſed in the ſaid act, and which are not locally inapplicable, ſhall have the like force and effect within the ſaid ſtate, as if the ſame were repeated and re-enacted in and by this preſent act.

Salary of the marſhal.

Sec. 2. *And be it further enacted*, That the marſhal of the diſtrict of Rhode-Iſland ſhall receive, in full compenſation for the performance of all the duties and ſervices confided to, and enjoined upon him by this act, one hundred dollars.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, July the fifth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXVI.

An Act to authorize the Purchaſe of a Tract of Land for the Uſe of the United States.

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That it ſhall be lawful for the Preſident of the United States, and he is hereby authorized to cauſe to be purchaſed for the uſe of the United States, the whole or ſuch part of that tract of land ſituate in the ſtate of New-York, commonly called Weſt-Point, as ſhall be by him judged requiſite for the purpoſe of ſuch fortifications and garriſons as may be neceſſary for the defence of the ſame.

Preſident authoriſed to purchaſe Weſt-Point for purpoſe of fortifications, &c.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, July the fifth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXVII.

An Act further to provide for the Payment of the Invaild Penſioners of the United States.

(EXPIRED.)

CHAPTER XXVIII.

An Act for eſtabliſhing the temporary and permanent Seat of the Government of the United States.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That a diſtrict of territory, not exceeding ten miles ſquare, to be located as hereafter directed on the River Potomack, at ſome place between the mouths of the Eaſtern-Branch and Connogochegue, be, and the ſame is hereby accepted for the permanent ſeat of the government of the United States: *Provided nevertheleſs,* That the operation of the laws of the ſtate within ſuch diſtrict ſhall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congreſs ſhall otherwiſe by law provide.

District on the Potowmac accepted for permanent ſeat of government, and

ſtate laws, when to ceaſe therein.

Sec. 2. *And be it further enacted,* That the Preſident of the United States be authorized to appoint, and by ſupplying vacancies happening from refuſals to act or other cauſes, to keep in appointment as long as may be neceſſary, three commiſſioners, who, or any two of whom, ſhall, under the direction of the Preſident, ſurvey, and by proper metes and bounds define and limit a diſtrict of territory, under the limitations above mentioned; and the diſtrict ſo defined, limited and located, ſhall be deemed the diſtrict accepted by this act, for the permanent ſeat of the government of the United States.

Preſident to appoint commiſſioners for locating the ſame;

Sec. 3. *And be it enacted,* That the ſaid commiſſioners, or any two of them, ſhall have

power to purchaſe or accept ſuch quantity of land on the eaſtern ſide of the ſaid river, within the ſaid diſtrict, as the Preſident ſhall deem proper for the uſe of the United States, and according to ſuch plans as the Preſident ſhall approve, the ſaid commiſſioners, or any two of them, ſhall, prior to the firſt Monday in December, in the year one thouſand eight hundred, provide ſuitable buildings for the accommodation of Congreſs, and of the Preſident, and for the public offices of the government of the United States.

who may purchaſe or accept grants of land, and prior to Dec. 1800 provide buildings.

Sec. 4. *And be it enacted*, That for defraying the expence of ſuch purchaſes and buildings, the Preſident of the United States be authorized and requeſted to accept grants of money.

expence thereof, how to be defrayed.

Sec. 5. *And be it enacted*, That prior to the firſt Monday in December next, all offices attached to the ſeat of the government of the United States, ſhall be removed to, and until the ſaid firſt Monday in December, in the year one thouſand eight hundred, ſhall remain at the city of Philadelphia, in the ſtate of Pennſylvania, at which place the ſeſſion of Congreſs next enſuing the preſent ſhall be held.

Prior to 1ſt Monday in Dec. next, ſeat of government to be removed to Philadelphia, and ſo remain until the year 1800.

Sec. 6. *And be it enacted*, That on the ſaid firſt Monday in December, in the year one thouſand eight hundred, the ſeat of the government of the United States, ſhall, by virtue of this act, be transferred to the diſtrict and place aforeſaid. And all offices attached to the ſaid ſeat of government, ſhall accordingly be removed thereto by their reſpective holders, and ſhall, after the ſaid day, ceaſe to be exerciſed elſewhere; and that the neceſſary expence of ſuch removal ſhall be de-

In December, 1800, ſeat of government to be removed to diſtrict accepted by this act.

frayed out of the duties on impoſts and tonnage, of which a ſufficient ſum is hereby appropriated.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, July the ſixteenth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXIX.

An Act for the Government and Regulation of Seamen in the Merchants Service.

Maſter and mariners in the merchants ſervice to execute a ſhipping agreement:

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That from and after the firſt day of December next, every maſter or commander of any ſhip or veſſel bound from a port in the United States to any foreign port, or of any ſhip or veſſel of the burthen of fifty tons or upwards, bound from a port in one ſtate, to a port in any other than an adjoining ſtate, ſhall, before he proceed on ſuch voyage, make an agreement in writing or in print, with every ſeaman or mariner on board ſuch ſhip or veſſel (except ſuch as ſhall be apprentice or ſervant to himſelf or owners) declaring the voyage or voyages, term or terms of time, for which ſuch ſeaman or mariner ſhall be ſhipped. And if

any master or commander of such ship or vessel shall carry out any seamen or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided* such seaman or mariner shall perform such voyage: or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

Master failing so to do, subject to penalty.

Sec. 2. *And be it enacted*, That at the foot of every such contract, there shall be a memorandum in writing, of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like man-

Mariner failing to perform the agreement, what penalty subjected to.

ner note the time that he ſo neglected to render himſelf (after the time appointed); every ſuch ſeaman or mariner ſhall forfeit for every hour which he ſhall ſo neglect to render himſelf, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any ſuch ſeaman or mariner ſhall wholly neglect to render himſelf on board of ſuch ſhip or veſſel, or having rendered himſelf on board, ſhall afterwards deſert and eſcape, ſo that the ſhip or veſſel proceed to ſea without him, every ſuch ſeaman or mariner ſhall forfeit and pay to the maſter, owner or conſignee of the ſaid ſhip or veſſel, a ſum equal to that which ſhall have been paid to him by advance at the time of ſigning the contract, over and beſides the ſum ſo advanced, both which ſums ſhall be recoverable in any court, or before any juſtice or juſtices of any ſtate, city, town or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, againſt ſuch ſeaman or mariner, or his ſurety or ſureties, in caſe he ſhall have given ſurety to proceed the voyage.

Veſſel leaky or unfit to perform her voyage, what proceedings ſhall be had for aſcertaining the ſame.

Sec. 3. *And be it enacted*, That if the mate or firſt officer under the maſter, and a majority of the crew of any ſhip or veſſel, bound on a voyage to any foreign port, ſhall, after the voyage is begun (and before the ſhip or veſſel ſhall have left the land) diſcover that the ſaid ſhip or veſſel is too leaky, or is otherwiſe unfit in her crew, body, tackle, apparel, furniture, proviſions or ſtores, to proceed on the intended voyage, and ſhall require ſuch unfitneſs to be enquired into, the maſter or commander ſhall upon the requeſt of the ſaid mate (or other officer) and ſuch majority, forthwith proceed to or ſtop at the neareſt or moſt convenient

port or place where ſuch enquiry can be made, and ſhall there apply to the judge of the diſtrict court, if he ſhall there reſide, or if not, to ſome juſtice of the peace of the city, town or place, taking with him two or more of the ſaid crew who ſhall have made ſuch requeſt; and thereupon ſuch judge or juſtice is hereby authorized and required to iſſue his precept directed to three perſons in the neighborhood, the moſt ſkilful in maritime affairs that can be procured, requiring them to repair on board ſuch ſhip or veſſel, and to examine the ſame in reſpect to the defects and inſufficiencies complained of, and to make report to him the ſaid judge or juſtice, in writing under their hands, or the hands of two of them, whether in any, or in what reſpect the ſaid ſhip or veſſel is unfit to proceed on the intended voyage, and what addition of men, proviſions or ſtores, or what repairs or alterations in the body, tackle or apparel will be neceſſary; and upon ſuch report the ſaid judge or juſtice ſhall adjudge and determine, and ſhall endorſe on the ſaid report his judgment, whether the ſaid ſhip or veſſel is fit to proceed on the intended voyage; and if not, whether ſuch repairs can be made or deficiencies ſupplied where the ſhip or veſſel then lays, or whether it be neceſſary for the ſaid ſhip or veſſel to return to the port from whence ſhe firſt ſailed, to be there refitted; and the maſter and crew ſhall in all things conform to the ſaid judgment; and the maſter or commander ſhall, in the firſt inſtance, pay all the coſts of ſuch view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the ſaid judge or juſtice. But if the complaint of the ſaid crew ſhall appear upon the ſaid re-

Maſter, &c. to pay coſts.

port and judgment, to have been without foundation, then the ſaid maſter, or the owner or conſignee of ſuch ſhip or veſſel, ſhall deduct the amount thereof, and of reaſonable damages for the detention (to be aſcertained by the ſaid judge or juſtice) out of the wages growing due to the complaining ſeamen or mariners. And if after ſuch judgment, ſuch ſhip or veſſel is fit to proceed on her intended voyage, or after procuring ſuch men, proviſions, ſtores, repairs or alterations as may be directed, the ſaid ſeamen or mariners, or either of them, ſhall refuſe to proceed on the voyage, it ſhall and may be lawful for any juſtice of the peace to commit by warrant under his hand and ſeal, every ſuch ſeaman or mariner (who ſhall ſo refuſe) to the common gaol of the county, there to remain without bail or mainprize, until he ſhall have paid double the ſum advanced to him at the time of ſubſcribing the contract for the voyage, together with ſuch reaſonable coſts as ſhall be allowed by the ſaid juſtice, and inſerted in the ſaid warrant, and the ſurety or ſureties of ſuch ſeaman or mariner (in caſe he or they ſhall have given any) ſhall remain liable for ſuch payment; nor ſhall any ſuch ſeaman or mariner be diſcharged upon any writ of habeas corpus or otherwiſe, until ſuch ſum be paid by him or them, or his or their ſurety or ſureties, for want of any form of commitment, or other previous proceedings. *Provided*, That ſufficient matter ſhall be made to appear, upon the return of ſuch habeas corpus, and an examination then to be had, to detain him for the cauſes herein before aſſigned.

Sec. 4. *And be it enacted*, That if any perſon ſhall harbor or ſecrete any ſeaman or

mariner belonging to any ſhip or veſſel, knowing them to belong thereto, every ſuch perſon, on conviction thereof before any court in the city, town or county where he, ſhe or they may reſide, ſhall forfeit and pay ten dollars for every day which he, ſhe or they ſhall continue ſo to harbor or ſecrete ſuch ſeaman or mariner, one half to the uſe of the perſon proſecuting for the ſame, the other half to the uſe of the United States; and no ſum exceeding one dollar, ſhall be recoverable from any ſeaman or mariner by any one perſon, for any debt contracted during the time ſuch ſeaman or mariner ſhall actually belong to any ſhip or veſſel, until the voyage for which ſuch ſeaman or mariner engaged ſhall be ended.

Penalty for harboring runaway ſeamen.

Sec. 5. *And be it enacted*, That if any ſeaman or mariner, who ſhall have ſubſcribed ſuch contract as is herein before deſcribed, ſhall abſent himſelf from on board the ſhip or veſſel in which he ſhall ſo have ſhipped, without leave of the maſter or officer commanding on board; and the mate, or other officer having charge of the log-book, ſhall make an entry therein of the name of ſuch ſeaman or mariner, on the day on which he ſhall ſo abſent himſelf, and if ſuch ſeaman or mariner ſhall return to his duty within forty-eight hours, ſuch ſeaman or mariner ſhall forfeit three days pay for every day which he ſhall ſo abſent himſelf, to be deducted out of his wages; but if any ſeaman or mariner ſhall abſent himſelf for more than forty-eight hours at one time, he ſhall forfeit all the wages due to him, and all his goods and chattels which were on board the ſaid ſhip or veſſel, or in any ſtore where they may have been lodged at the time of his deſertion, to the uſe of the owners of the ſhip

Mariner abſenting himſelf from duty, penalty on, and how to be proceeded againſt.

or veſſel, and moreover ſhall be liable to pay to him or them all damages which he or they may ſuſtain by being obliged to hire other ſeamen or mariners in his or their place, and ſuch damages ſhall be recovered with coſts, in any court or before any juſtice or juſtices having juriſdiction of the recovery of debts to the value of ten dollars or upwards.

When and at what port entitled to demand his wages;

Sec. 6. *And be it enacted*, That every ſeaman or mariner ſhall be entitled to demand and receive from the maſter or commander of the ſhip or veſſel to which they belong, one third part of the wages which ſhall be due to him at every port where ſuch ſhip or veſſel ſhall unlade and deliver her cargo before the voyage be ended, unleſs the contrary be expreſsly ſtipulated in the contract: and as ſoon as the voyage is ended, and the cargo or ballaſt be fully diſcharged at the laſt port of delivery, every ſeaman or mariner ſhall be entitled to the wages which ſhall be then due according to his contract: and if ſuch wages

how to recover them if withheld.

ſhall not be paid within ten days after ſuch diſcharge, or if any diſpute ſhall ariſe between the maſter and ſeamen or mariners touching the ſaid wages, it ſhall be lawful for the judge of the diſtrict where the ſaid ſhip or veſſel ſhall be, or in caſe his reſidence be more than three miles from the place, or of his abſence from the place of his reſidence, then, for any judge or juſtice of the peace, to ſummon the maſter of ſuch ſhip or veſſel to appear before him, to ſhew cauſe why proceſs ſhould not iſſue againſt ſuch ſhip or veſſel, her tackle, furniture and apparel, according to the courſe of admiralty-courts, to anſwer for the ſaid wages: and if the maſter ſhall neglect to appear, or appearing, ſhall not ſhew that the

wages are paid, or otherwiſe ſatisfied or forfeited, and if the matter in diſpute ſhall not be forthwith ſettled, in ſuch caſe the judge or juſtice ſhall certify to the clerk of the court of the diſtrict, that there is ſufficient cauſe of complaint whereon to found admiralty-proceſs, and thereupon the clerk of ſuch court ſhall iſſue proceſs againſt the ſaid ſhip or veſſel, and the ſuit ſhall be proceeded on in the ſaid court, and final judgment be given according to the courſe of admiralty-courts in ſuch caſes uſed; and in ſuch ſuit all the ſeamen or mariners (having cauſe of complaint of the like kind againſt the ſame ſhip or veſſel) ſhall be joined as complainants; and it ſhall be incumbent on the maſter or commander to produce the contract and log-book, if required, to aſcertain any matters in diſpute; otherwiſe the complainants ſhall be permitted to ſtate the contents thereof, and the proof of the contrary ſhall lie on the maſter or commander; but nothing herein contained ſhall prevent any ſeaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate proceſs out of any court having admiralty juriſdiction, wherever any ſhip or veſſel may be found, in caſe ſhe ſhall have left the port of delivery where her voyage ended, before payment of the wages, or in caſe ſhe ſhall be about to proceed to ſea before the end of the ten days next after the delivery of her cargo or ballaſt.

Sec. 7. *And be it enacted,* That if any ſeaman or mariner, who ſhall have ſigned a contract to perform a voyage, ſhall at any port or place, deſert, or ſhall abſent himſelf from ſuch ſhip or veſſel, without leave of the maſ-

Mariner deſerting at any port or place, how to be proceeded againſt and puniſhed.

ter, or officer commanding in the abſence of the maſter, it ſhall be lawful for any juſtice of peace within the United States (upon the complaint of the maſter) to iſſue his warrant to apprehend ſuch deſerter, and bring him before ſuch juſtice; and if it ſhall then appear by due proof that he has ſigned a contract within the intent and meaning of this act, and that the voyage agreed for is not finiſhed, altered, or the contract otherwiſe diſſolved, and that ſuch ſeaman or mariner has deſerted the ſhip or veſſel, or abſented himſelf without leave, the ſaid juſtice ſhall commit him to the houſe of correction or common gaol of the city, town or place, there to remain until the ſaid ſhip or veſſel ſhall be ready to proceed on her voyage, or till the maſter ſhall require his diſcharge, and then to be delivered to the ſaid maſter, he paying all the coſt of ſuch commitment, and deducting the ſame out of the wages due to ſuch ſeaman or mariner.

Every ſhip or veſſel outward bound, to be furniſhed with a medicine cheſt;

Sec. 8. *And be it enacted*, That every ſhip or veſſel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more perſons in the whole, and bound on a voyage without the limits of the United States, ſhall be provided with a cheſt of medicines, put up by ſome apothecary of known reputation, and accompanied by directions for adminiſtering the ſame; and the ſaid medicines ſhall be examined by the ſame or ſome other apothecary, once at leaſt in every year, and ſupplied with freſh medicines in the place of ſuch as ſhall have been uſed or ſpoiled; and in default of having ſuch medicine-cheſt ſo provided, and kept fit for uſe, the maſter or commander of ſuch ſhip or veſſel ſhall pro-

penalty on the maſter for default.

vide and pay for all ſuch advice, medicine, or attendance of phyſicians, as any of the crew ſhall ſtand in need of in caſe of ſickneſs at every port or place where the ſhip or veſſel may touch or trade at during the voyage, without any deduction from the wages of ſuch ſick ſeaman or mariner.

Ships, &c. bound acroſs the Atlantic, what ſupply of proviſions and water ſhall be laid in.

Sec. 9. *And be it enacted*, That every ſhip or veſſel, belonging as aforeſaid, bound on a voyage acroſs the Atlantic ocean, ſhall, at the time of leaving the laſt port from whence ſhe ſails, have on board, well ſecured under deck, at leaſt ſixty gallons of water, one hundred pounds of ſalted fleſh meat, and one hundred pounds of wholeſome ſhip-bread, for every perſon on board ſuch ſhip or veſſel, over and beſides ſuch other proviſions, ſtores and live-ſtock as ſhall by the maſter or paſſengers be put on board, and in like proportion for ſhorter or longer voyages; and in caſe the crew of any ſhip or veſſel, which ſhall not have been ſo provided, ſhall be put upon ſhort allowance in water, fleſh or bread, during the voyage, the maſter or owner of ſuch ſhip or veſſel ſhall pay to each of the crew, one day's wages beyond the wages agreed on for every day they ſhall be ſo put to ſhort allowance, to be recovered in the ſame manner as their ſtipulated wages.

Penalty for failure.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, July the twentieth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXX.

An Act impoſing Duties on the Tonnage of Ships or Veſſels.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That upon all ſhips or veſſels which after the firſt day of September next, ſhall be entered in the United States from any foreign port or place, there ſhall be paid the ſeveral and reſpective duties following, that is to ſay: On ſhips or veſſels of the United States, at the rate of ſix cents per ton; on ſhips or veſſels built within the United States after the twentieth day of July laſt, but belonging wholly or in part to ſubjects of foreign powers, at the rate of thirty cents per ton: on other ſhips or veſſels at the rate of fifty cents per ton.

Tonnage on ſhips or veſſels of U. States;

on thoſe of foreigners;

on all others

Sec. 2. *And be it further enacted,* That the aforeſaid duty of ſix cents per ton, ſhall be alſo paid upon every ſhip or veſſel of the United States which after the ſaid firſt day of September next, ſhall be entered in a diſtrict in one ſtate from a diſtrict in another ſtate, other than an adjoining ſtate on the ſea coaſt or on a navigable river, having on board goods, wares, and merchandize taken in one ſtate to be delivered in another ſtate: *Provided,* That it ſhall not be paid on any ſhip or veſſel having a licenſe to trade between the different diſtricts of the United States, or to carry on the bank or whale fiſheries whilſt employed therein, more than once a year.

On ſhips or veſſels of U. States, trading between diſtrict and diſtrict;

Sec. 3. *And be it further enacted,* That upon every ſhip or veſſel not of the United States, which after the ſaid firſt day of Sep-

ſeptember next, ſhall be entered in one diſtrict from another diſtrict, having on board goods, wares and merchandize taken in, in one diſtrict to be delivered in another diſtrict, there ſhall be paid at the rate of fifty cents per ton.

On ſhips or veſſels not of U. States, trading between diſtrict & diſtrict.

And whereas it is declared by the twenty-third ſection of the act, intituled, "An act for regiſtering and clearing veſſels, regulating the coaſting trade, and for other purpoſes," "That if any veſſel of the burthen of twenty tons or upwards, not having a certificate of regiſtry or enrollment, and a licenſe, ſhall be found trading between different diſtricts, or be employed in the bank or whale fiſheries, every ſuch ſhip or veſſel ſhall be ſubject to the ſame tonnage and fees as foreign ſhips or veſſels," which, from the impracticability in ſome caſes of obtaining licenſes in due ſeaſon, and from miſapprehenſion in others, has operated to the prejudice of individuals; and it being proper that relief ſhould be granted in caſes where the ſtrict operation of new laws may have occaſioned hardſhip and inconvenience:

Payment of foreign tonnage heretofore exacted on certain veſſels of the U. States, employed in coaſting trade and fiſheries.

Sec. 4. *Be it therefore further enacted*, That in all caſes in which the ſaid foreign duty ſhall have been heretofore paid on ſhips or veſſels of the United States, whether regiſtered at the time of payment or afterwards, reſtitution thereof ſhall be made, and that no ſuch foreign duty ſhall hereafter be demanded on the ſaid ſhips or veſſels.

Reſtitution to be made for, and not demandable in future.

Sec. 5. *And be it further enacted*, That the act, intituled, "An act impoſing duties on tonnage," ſhall, after the ſaid firſt day of September next be repealed, and ſhall thenceforth

Repeal of former act.

cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, July the twentieth, 1790.

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXI.

An Act providing for holding a Treaty or Treaties to establish Peace with certain Indian Tribes.

(EXPIRED.)

CHAPTER XXXII.

An Act to amend the Act for the Establishment and Support of Light-Houses, Beacons, Buoys, and public Piers.

(EXPIRED.)

CHAPTER XXXIII.

An Act to regulate Trade and Intercourſe with the Indian Tribes.

(REPEALED.)

CHAPTER XXXIV.

An Act making Proviſion for the Debt of the United States.

Recital.

WHEREAS juſtice and the ſupport of public credit require, that proviſion ſhould be made for fulfilling the engagements of the United States, in reſpect of their foreign debt, and for funding their domeſtic debt upon equitable and ſatisfactory terms:

Duties on imports & tonnage appropriated to pay intereſt on the foreign debt & future loans, reſerving ſixty thouſand dollars annually for ſupport of government.

Section 1. *BE it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That reſerving out of the monies which have ariſen ſince the laſt day of December laſt paſt, and which ſhall hereafter ariſe from the duties on goods, wares and merchandize imported into the United States, and on the tonnage of ſhips or veſſels, the yearly ſum of ſix hundred thouſand dollars, or ſo much thereof as may be appropriated from time to time, towards the ſupport of the government of the United States, and their common defence, the reſidue of the ſaid monies, or ſo much thereof, as may be neceſſary, as the ſame ſhall be received in each year, next after the ſum reſerved as aforeſaid, ſhall be, and is hereby appropriated to the payment of the intereſt which ſhall from time to time become due on the loans heretofore made by

the United States in foreign countries; and alſo to the payment of intereſt on ſuch further loans as may be obtained for diſcharging the arrears of intereſt thereupon, and the whole or any part of the principal thereof; to continue ſo appropriated until the ſaid loans, as well thoſe already made as thoſe which may be made in virtue of this act, ſhall be fully ſatisfied, purſuant to the contracts relating to the ſame, any law to the contrary notwithſtanding. *And provided*, That nothing herein contained, ſhall he conſtrued to annul or alter any appropriation by law made prior to the paſſing of this act.

For payment of intereſt and inſtalments of foreign debt.

And as new loans are and will be neceſſary for the payment of the aforeſaid arrears of intereſt, and the inſtalments of the principal of the ſaid foreign debt due and growing due, and may alſo be found expedient for effecting an entire alteration in the ſtate of the ſame:

Preſident may make new loans and contracts.

Sec. 2. *Be it further enacted*, That the Preſident of the United States be, and he is hereby authorized, to cauſe to be borrowed on behalf of the United States, a ſum or ſums, not exceeding in the whole twelve million of dollars; and that ſo much of this ſum as may be neceſſary to the diſcharge of the ſaid arrears and inſtalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the ſaid foreign debt be appropriated ſolely to thoſe purpoſes: And the Preſident is moreover further authorized to cauſe to be made ſuch other contracts reſpecting the ſaid debt as ſhall be found for the intereſt of the ſaid ſtates. *Provided nevertheleſs*, That no engagement nor contract ſhall be entered into which ſhall preclude the United

States from reimburſing any ſum or ſums borrowed within fifteen years after the ſame ſhall have been lent or advanced.

And whereas it is deſirable to adapt the nature of the proviſion to be made for the domeſtic debt to the preſent circumſtances of the United States, as far as it ſhall be found practicable, conſiſtently with good faith and the rights of the creditors; which can only be done by a voluntary loan on their part:

Domeſtic debt to be loaned to its full amount, & ſubſcriptions thereto, how to be made; and

Sec. 3. *Be it therefore further enacted*, That a loan to the full amount of the ſaid domeſtic debt, be, and the ſame is hereby propoſed; and that books for receiving ſubſcriptions to the ſaid loan be opened at the Treaſury of the United States, and by a commiſſioner to be appointed in each of the ſaid ſtates, on the firſt day of October next, to continue open until the laſt day of September following inclufively; and that the ſums which ſhall be ſubſcribed thereto, be payable in certificates iſſued for the ſaid debt, according to their ſpecie value, and computing the intereſt upon ſuch as bear intereſt to the laſt day of December next, incluſively; which ſaid certificates ſhall be of theſe ſeveral deſcriptions, to wit:

in what payable.

Thoſe iſſued by the regiſter of the treaſury.

Thoſe iſſued by the commiſſioners of loans in the ſeveral ſtates, including certificates given purſuant to the act of Congreſs of the ſecond of January, one thouſand ſeven hundred and ſeventy-nine, for bills of credit of the ſeveral emiſſions of the twentieth of May, one thouſand ſeven hundred and ſeventy-ſeven, and the eleventh of April, one thouſand ſeven hundred and ſeventy-eight.

Thoſe iſſued by the commiſſioners for the

adjuſtment of the accounts of the quarter-maſter, commiſſary, hoſpital, clothing, and marine departments.

Thoſe iſſued by the commiſſioners for the adjuſtment of accounts in the reſpective ſtates.

Thoſe iſſued by the late and preſent pay-maſter general, or commiſſioner of army accounts.

Thoſe iſſued for the payment of intereſt, commonly called indents of intereſt.

And in the bills of credit iſſued by the authority of the United States in Congreſs aſſembled, at the rate of one hundred dollars in the ſaid bills, for one dollar in ſpecie.

Subſcribers paying in principal of domeſtic debt, what proportions of principal, rate of intereſt and terms of payment entitled to.

Sec. 4. *And be it further enacted*, That for the whole or any part of any ſum ſubſcribed to the ſaid loan, by any perſon or perſons, or body-politic, which ſhall be paid in the principal of the ſaid domeſtic debt, the ſubſcriber or ſubſcribers ſhall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their aſſigns, a ſum to be expreſſed therein, equal to two-thirds of the ſum ſo paid, bearing an intereſt of ſix per centum per annum, payable quarter yearly, and ſubject to redemption by payments not exceeding in one year, on account both of principal and intereſt, the proportion of eight dollars upon a hundred of the ſum mentioned in ſuch certificate; and to another certificate purporting that the United States owe to the holder or holders thereof, his, her or their aſſigns, a ſum to be expreſſed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the ſum ſo paid, which after the year one thouſand eight hundred ſhall bear an in-

tereſt of ſix per centum per annum, payable quarter yearly, and ſubject to redemption by payments not exceeding in one year, on account both of principal and intereſt, the proportion of eight dollars upon a hundred of the ſum mentioned in ſuch certificate: *Provided*, That it ſhall not be underſtood that the United States ſhall be bound or obliged to redeem in the proportion aforeſaid; but it ſhall be underſtood only that they have a right ſo to do.

Subſcribers paying in intereſt of domeſtic debt, what proportions of principal rate of intereſt, and terms of payment entitled to.

Sec. 5. *And be it further enacted*, That for the whole or any part of any ſum ſubſcribed to the ſaid loan by any perſon or perſons, or body politic which ſhall be paid in the intereſt of the ſaid domeſtic debt, computed to the ſaid laſt day of December next, or in the ſaid certificates iſſued in payment of intereſt, commonly called indents of intereſt, the ſubſcriber or ſubſcribers ſhall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her or their aſſigns, a ſum to be ſpecified therein, equal to that by him, her or them ſo paid, bearing an intereſt of three per centum per annum, payable quarter yearly, and ſubject to redemption by payment of the ſum ſpecified therein, whenever proviſion ſhall be made by law for that purpoſe.

Commiſſioners to be appointed in each ſtate to receive ſubſcriptions, &c.

Sec. 6. *And be it further enacted*, That a commiſſioner be appointed for each ſtate, to reſide therein, whoſe duty it ſhall be to ſuperintend the ſubſcriptions to the ſaid loan; to open books for the ſame; to receive the certificates which ſhall be preſented in payment thereof; to liquidate the ſpecie value of ſuch of them as ſhall not have been before liquidated; to iſſue the certificates above mentioned

in lieu thereof, according to the terms of each ſubſcription; to enter in books to be by him kept for that purpoſe, credits to the reſpective ſubſcribers to the ſaid loan for the ſums to which they ſhall be reſpectively entitled; to transfer the ſaid credits upon the ſaid books from time to time as ſhall be requiſite; to pay the intereſt thereupon as the ſame ſhall become due, and generally to obſerve and perform ſuch directions and regulations as ſhall be preſcribed to him by the Secretary of the Treaſury, touching the execution of his office.

Stock created by this act, how transferable.

Sec. 7. *And be it further enacted*, That the ſtock which ſhall be created purſuant to this act, ſhall be transferable only on the books of the treaſury, or of the ſaid commiſſioners reſpectively, upon which the credit for the ſame ſhall exiſt at the time of transfer, by the proprietor or proprietors of ſuch ſtock, his, her or their attorney: but it ſhall be lawful for the Secretary of the Treaſury, by ſpecial warrant under his hand and the ſeal of the treaſury, counterſigned by the comptroller, and regiſtered by the regiſter, at the requeſt of the reſpective proprietors, to authorize the tranſfer of ſuch ſtock from the books of one commiſſioner to thoſe of another commiſſioner, or to thoſe of the treaſury, and from thoſe of the treaſury to thoſe of a commiſſioner.

and intereſt thereon payable quarterly.

Sec. 8. *And be it further enacted*, That the intereſt upon the ſaid ſtock, as the ſame ſhall become due, ſhall be payable quarter yearly; that is to ſay: One fourth part thereof on the laſt day of March: one other fourth part thereof on the laſt day of June: one other fourth part thereof on the laſt day of September; and the remaining fourth part there-

of on the laſt day of December in each year, beginning on the laſt day of March next enſuing; and payment ſhall be made whereſoever the credit for the ſaid ſtock ſhall exiſt at the time ſuch intereſt ſhall become due; that is to ſay: At the treaſury, if the credit for the ſame ſhall then exiſt on the books of the treaſury, or at the office of the commiſſioner upon whoſe books ſuch credit ſhall then exiſt. But if the intereſt for one quarter ſhall not be demanded before the expiration of a third quarter, the ſame ſhall be afterwards demandable only at the treaſury.

Non-ſubſcribing creditors.

And as it may happen that ſome of the creditors of the United States may not think fit to become ſubſcribers to the ſaid loan:

their rights not to be impaired, &c.

Sec. 9. *Be it further enacted*, That nothing in this act contained ſhall be conſtrued in any wiſe to alter, abridge or impair the rights of thoſe creditors of the United States, who ſhall not ſubſcribe to the ſaid loan, or the contracts upon which their reſpective claims are founded; but the ſaid contracts and rights ſhall remain in full force and virtue.

And that ſuch creditors may not be excluded from a participation in the benefit hereby intended to the creditors of the United States in general, while the ſaid propoſed loan ſhall be depending, and until it ſhall appear from the event thereof what farther or other arrangements may be neceſſary reſpecting the ſaid domeſtic debt:

Sec. 10. *Be it therefore further enacted*, That ſuch of the creditors of the United States as may not ſubſcribe to the ſaid loan, ſhall nevertheleſs receive during the year one thouſand ſeven hundred and ninety-one, a rate per

to be paid a rate per cent. on the amount of their demands equal to the intereſt allowed to ſubſcribing creditors,

centum on the reſpective amounts of their reſpective demands, including intereſt to the laſt day of December next, equal to the intereſt payable to ſubſcribing creditors, to be paid at the ſame times, at the ſame places, and by the ſame perſons as is herein before directed, concerning the intereſt on the ſtock which may be created in virtue of the ſaid propoſed loan. But as ſome of the certificates now in circulation have not heretofore been liquidated to ſpecie value, as moſt of them are greatly ſubject to counterfeit, and counterfeits have actually taken place in numerous inſtances, and as embarraſſment and impoſition might, for theſe reaſons, attend the payment of intereſt on thoſe certificates in their preſent form, it ſhall therefore be neceſſary to entitle the ſaid creditors to the benefit of the ſaid payment, that thoſe of them who do not poſſeſs certificates iſſued by the Regiſter of the Treaſury, for the regiſtered debt, ſhould produce previous to the firſt day of June next, their reſpective certificates, either at the treaſury of the United States, or to ſome one of the commiſſioners to be appointed as aforeſaid, to the end that the ſame may be cancelled, and other certificates iſſued in lieu thereof; which new certificates ſhall ſpecify the ſpecie amount of thoſe in exchange for which they are given, and ſhall be otherwiſe of the like tenor with thoſe heretofore iſſued by the ſaid Regiſter of the Treaſury, for the ſaid regiſtered debt, and ſhall be transferable on the like principles with thoſe directed to be iſſued on account of the ſubſcriptions to the loan hereby propoſed.

All certificates in circulation, to be cancelled & new ones iſſued.

Sec. 11. *And be it further enacted*, That the commiſſioners who ſhall be appointed pur-

ſuant to this act, ſhall reſpectively be entitled to the following yearly ſalaries, that is to ſay: The commiſſioner for the ſtate of New-Hampſhire, ſix hundred and fifty dollars: The commiſſioner for the ſtate of Maſſachuſetts, fifteen hundred dollars: The commiſſioner for the ſtate of Rhode-Iſland and Providence Plantations, ſix hundred dollars: The commiſſioner for the ſtate of Connecticut, one thouſand dollars: The commiſſioner for the ſtate of New-York, fifteen hundred dollars: The commiſſioner for the ſtate of New-Jerſey, ſeven hundred dollars: The commiſſioner for the ſtate of Pennſylvania, fifteen hundred dollars: The commiſſioner for the ſtate of Delaware, ſix hundred dollars: The commiſſioner for the ſtate of Maryland, one thouſand dollars: The commiſſioner for the ſtate of Virginia, fifteen hundred dollars: The commiſſioner for the ſtate of North-Carolina, one thouſand dollars: The commiſſioner for the ſtate of South-Carolina, one thouſand dollars: The commiſſioner for the ſtate of Georgia, ſeven hundred dollars: Which ſalaries ſhall be in full compenſation for all ſervices and expenſes. Commiſſioners, their ſalaries.

Sec. 12. *And be it further enacted*, That the ſaid commiſſioners before they enter upon the execution of their ſeveral offices, ſhall reſpectively take an oath or affirmation for the diligent and faithful execution of their truſt, and ſhall alſo become bound with one or more ſureties to the ſatisfaction of the Secretary of the Treaſury, in a penalty not leſs five thouſand, nor more than ten thouſand dollars, with condition for their good behavior in their ſaid offices reſpectively. to take an oath & enter into bond.

And whereas a proviſion for the debts of the reſpective ſtates by the United States, State debts

would be greatly conducive to an orderly œconomical and effectual arrangement of the public finances;

assumed, to amount of 21,500,000 dols. and a loan propoſed, payable in certificates of the ſtates,

Sec. 13. *Be it therefore further enacted*, That a loan be propoſed to the amount of twenty-one million and five hundred thouſand dollars, and that ſubſcriptions to the ſaid loan be received at the ſame times and places, and by the ſame perſons, as in reſpect to the loan herein before propoſed concerning the domeſtic debt of the United States. And that the ſums which ſhall be ſubſcribed to the ſaid loan, ſhall be payable in the principal and intereſt of the certificates or notes, which prior to the firſt day of January laſt, were iſſued by the reſpective ſtates, as acknowledgments or evidences of debts by them reſpectively owing, except certificates iſſued by the commiſſioners of army accounts in the ſtate of North-Carolina, in the year one thouſand ſeven hundred and eighty-ſix.

not exceeding a certain ſum in each.

Provided, That no greater ſum ſhall be received in the certificates of any ſtate, than as follows; that is to ſay:

In thoſe of New-Hampſhire, three hundred thouſand dollars.

In thoſe of Maſſachuſetts, four million dollars.

In thoſe of Rhode-Iſland and Providence Plantations, two hundred thouſand dollars.

In thoſe of Connecticut, one million ſix hundred thouſand dollars.

In thoſe of New-York, one million two hundred thouſand dollars.

In thoſe of New-Jerſey, eight hundred thouſand dollars.

In thoſe of Pennſylvania, two million two hundred thouſand dollars.

In thoſe of Delaware, two hundred thouſand dollars.

In thoſe of Maryland, eight hundred thouſand dollars.

In thoſe of Virginia, three million five hundred thouſand dollars.

In thoſe of North-Carolina, two million four hundred thouſand dollars.

In thoſe of South-Carolina, four million dollars.

In thoſe of Georgia, three hundred thouſand dollars.

And provided, That no ſuch certificate ſhall be received, which from the tenor thereof, or from any public record, act, or document, ſhall appear or can be aſcertained to have been iſſued for any purpoſe, other than compenſations and expenditures for ſervices or ſupplies towards the proſecution of the late war, and the defence of the United States, or of ſome part thereof during the ſame. What certificates ſhall not be received.

Sec. 14. *Provided alſo and be it further enacted*, That if the total amount of the ſums which ſhall be ſubſcribed to the ſaid loan in the debt of any ſtate, within the time limited for receiving ſubſcriptions thereto, ſhall exceed the ſum by this act allowed to be ſubſcribed within ſuch ſtate, the certificates and credits granted to the reſpective ſubſcribers, ſhall bear ſuch proportion to the ſums by them reſpectively ſubſcribed, as the total amount of the ſaid ſums ſhall bear to the whole ſum ſo allowed to be ſubſcribed in the debt of ſuch ſtate within the ſame. And every ſubſcriber to the ſaid loan, ſhall, at the time of ſubſcribing, depoſit with the commiſſioner the certificates or notes to be loaned by him. Subſcriptions exceeding the ſum allowed to any ſtate, what proportion ſhall be paid.

Subſcribers to ſaid loan what proportion of principal, rate of intereſt, and terms of payment entitled to.

Sec. 15. *And be it further enacted*, That for two thirds of any ſum ſubſcribed to the ſaid loan, by any perſon or perſons, or body politic, which ſhall be paid in the principal and intereſt of the certificates or notes iſſued as aforeſaid by the reſpective ſtates, the ſubſcriber or ſubſcribers ſhall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, or his, her or their aſſigns, a ſum to be expreſſed therein, equal to two thirds of the aforeſaid two thirds, bearing an intereſt of ſix per centum per annum, payable quarter yearly, and ſubject to redemption by payments, not exceeding in one year, on account both of principal and intereſt, the proportion of eight dollars upon a hundred of the ſum mentioned in ſuch certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her or their aſſigns, a ſum to be expreſſed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the ſaid two thirds of ſuch ſum ſo ſubſcribed, which after the year one thouſand eight hundred, ſhall bear an intereſt of ſix per centum per annum, payable quarter yearly, and ſubject to redemption by payments, not exceeding in one year, on account both of principal and intereſt, the proportion of eight dollars upon a hundred of the ſum mentioned in ſuch certificate; and that for the remaining third of any ſum ſo ſubſcribed, the ſubſcriber or ſubſcribers ſhall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her or their aſſigns, a ſum to be expreſſed therein, equal to the ſaid remaining third, bearing an intereſt of three per cent. per annum, payable quarter

yearly, and ſubject to redemption by payment of the ſum ſpecified therein whenever proviſion ſhall be made by law for that purpoſe.

Intereſt, how to be computed, & payable quarter yearly.

Sec. 16. *And be it further enacted*, That the intereſt upon the certificates which ſhall be received in payment of the ſums ſubſcribed towards the ſaid loan, ſhall be computed to the laſt day of the year one thouſand ſeven hundred and ninety-one, incluſively; and the intereſt upon the ſtock which ſhall be created by virtue of the ſaid loan, ſhall commence or begin to accrue on the firſt day of the year one thouſand ſeven hundred and ninety-two, and ſhall be payable quarter yearly, at the ſame time, and in like manner as the intereſt on the ſtock to be created by virtue of the loan above propoſed in the domeſtic debt of the United States.

Sum allowed to any ſtate, not being ſubſcribed, the ſtate to receive intereſt on amount of deficiency.

Sec. 17. *And be it further enacted*, That if the whole ſum allowed to be ſubſcribed in the debt or certificates of any ſtate as aforeſaid, ſhall not be ſubſcribed within the time for that purpoſe limited, ſuch ſtate ſhall be entitled to receive, and ſhall receive from the United States, an intereſt per centum per annum, upon ſo much of the ſaid ſum as ſhall not have been ſo ſubſcribed, equal to that which would have accrued on the deficiency, had the ſame been ſubſcribed in truſt for the non-ſubſcribing creditors of ſuch ſtate, who are holders of certificates or notes iſſued on account of ſervices or ſupplies towards the proſecution of the late war, and the defence of the United States or of ſome part thereof, to be paid in like manner as the intereſt on the ſtock which may be created by virtue of the ſaid loan, and to continue until there ſhall be a ſettlement of accounts between the United States, and the in-

dividual ſtates; and in caſe a balance ſhall then appear in favor of ſuch ſtate, until proviſion ſhall be made for the ſaid balance.

But as certain ſtates have reſpectively iſſued their own certificates, in exchange for thoſe of the United States, whereby it might happen that intereſt might be twice payable on the ſame ſums:

State certificates iſſued in lieu of thoſe of the U. States, payment of intereſt on, ſuſpended.

Sec. 18. *Be it further enacted*, That the payment of intereſt whether to ſtates or to individuals, in reſpect to the debt of any ſtate, by which ſuch exchange ſhall have been made, ſhall be ſuſpended, until it ſhall appear to the ſatisfaction of the Secretary of the Treaſury, that certificates iſſued for that purpoſe by ſuch ſtate, have been re-exchanged or redeemed, or until thoſe which ſhall not have been re-exchanged or redeemed, ſhall be ſurrendered to the United States.

States chargeable with amount of ſubſcriptions.

Sec. 19. *And be it further enacted*, That ſo much of the debt of each ſtate as ſhall be ſubſcribed to the ſaid loan, and the monies (if any) that ſhall be advanced to the ſame purſuant to this act, ſhall be a charge againſt ſuch ſtate, in account with the United States.

Farther appropriation of monies ariſing from the revenue laws to the purpoſes of this act.

Sec. 20. *And be it further enacted*, That the monies ariſing under the revenue-laws, which have been or during the preſent ſeſſion of Congreſs may be paſſed, or ſo much thereof as may be neceſſary, ſhall be and are hereby pledged and appropriated for the payment of the intereſt on the ſtock which ſhall be created by the loans aforeſaid, purſuant to the proviſions of this act, firſt paying that which ſhall ariſe on the ſtock created by virtue of the ſaid firſt mentioned loan, to continue ſo pledged and appropriated, until the final redemption

of the ſaid ſtock, any law to the contrary notwithſtanding, ſubject nevertheleſs to ſuch reſervations and priorities as may be requiſite to ſatisfy the appropriations heretofore made, and which during the preſent ſeſſion of Congreſs may be made by law, including the ſums herein before reſerved and appropriated: and to the end that the ſaid monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpoſe, an account ſhall be kept of the receipts and diſpoſition thereof, ſeparate and diſtinct from the product of any other duties, impoſts, exciſes and taxes whatſoever, except ſuch as may be hereafter laid, to make good any deficiency which may be found in the product thereof towards ſatisfying the intereſt aforeſaid.

and faith of U. States pledged to make good deficiencies.

Sec. 21. *And be it further enacted*, That the faith of the United States be, and the ſame is hereby pledged to provide and appropriate hereafter ſuch additional and permanent funds as may be requiſite towards ſupplying any ſuch deficiency, and making full proviſion for the payment of the intereſt which ſhall accrue on the ſtock to be created by virtue of the loans aforeſaid, in conformity to the terms thereof reſpectively, and according to the tenor of the certificates to be granted for the ſame purſuant to this act.

Proceeds from ſales of weſtern lands, to form a ſinking fund.

Sec. 22. *And be it further enacted*, That the proceeds of the ſales which ſhall be made of lands in the weſtern territory, now belonging, or that may hereafter belong to the United States, ſhall be, and are hereby appropriated towards ſinking or diſcharging the debts, for the payment whereof the United States now are, or by virtue of this act may be hol-

den, and shall be applied solely to that use until the said debts shall be fully satisfied.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the fourth, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXV.

An Act to provide more effectually for the Collection of the Duties imposed by Law on Goods, Wares and Merchandize imported into the United States, and on the Tonnage of Ships or Vessels.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the collection of the duties imposed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ships or vessels, there shall be established and appointed, districts, ports and officers, in manner following; to wit:

District & ports in N Hampshire.

The state of New-Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry; and the towns of Newcastle, Dover and Exeter, ports of delivery only: but all ships or vessels bound to or from

either of the ſaid ports of delivery, ſhall firſt come to, enter and clear at Portſmouth; and a collector, naval-officer and ſurveyor for the ſaid diſtrict ſhall be appointed, to reſide at Portſmouth.

In the ſtate of Maſſachuſetts ſhall be twenty diſtricts and ports of entry; to wit: Newburyport, Glouceſter, Salem and Beverly, as one; Marblehead, Boſton and Charleſtown, as one; Plymouth, Barnſtable, Nantucket, Edgartown, New-Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland, and Falmouth, as one; Bath, Wiſcaſſett, Penobſcot, Frenchman's Bay, Machias and Paſſamaquady. To the diſtrict of Newburyport ſhall be annexed the ſeveral towns or landing places of Almſbury, Saliſbury and Haverhill, which ſhall be ports of delivery only; and a collector, naval-officer and ſurveyor for the diſtrict ſhall be appointed, to reſide at Newburyport. To the diſtrict of Glouceſter ſhall be annexed the town of Mancheſter, as a port of delivery only; and a collector and ſurveyor ſhall be appointed, to reſide at Glouceſter. To the diſtrict of Salem and Beverly ſhall be annexed the towns or landing places of Danvers and Ipſwich, as ports of delivery only; and a collector, naval-officer and ſurveyor for the diſtrict ſhall be appointed, to reſide at Salem, and a ſurveyor to reſide at each of the towns of Beverly and Ipſwich. To the diſtrict of Marblehead ſhall be annexed the town of Lynn, as a port of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Marblehead. To the diſtrict of Boſton and Charleſtown ſhall be annexed the towns or landing places of Medford, Cohaſſet and Hingham, as ports of delivery only; and a

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collector, naval-officer and ſurveyor ſhall be appointed to reſide at Boſton. To the diſtrict of Plymouth ſhall be annexed the ſeveral towns or landing places of Scituate, Duxbury and Kingſton, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Plymouth. To the diſtrict of Barnſtable ſhall be annexed the ſeveral towns or landing places of Sandwich, Falmouth, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Barnſtable. To the diſtrict of Nantucket the port of Sherburne ſhall be the ſole port of entry and delivery within the ſame, and a collector ſhall be appointed, to reſide at Sherburne. In the diſtrict of Edgartown a collector ſhall be appointed, to reſide at Edgartown. To the diſtrict of New-Bedford ſhall be annexed Weſtport, Rocheſter and Wareham, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at New-Bedford. To the diſtrict of Dighton ſhall be annexed Swanſey and Freetown, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Dighton. To the diſtrict of York ſhall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at York. To the diſtrict of Biddiford and Pepperelborough ſhall annexed Scarborough, Wells, Kennebunk and Cape Porpoiſe, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Biddeford. To the diſtrict of Portland and Falmouth ſhall be annexed North-Yarmouth and Brunſwick, as ports of delivery only; and a collector and ſurveyor ſhall be apppointed

for the diſtrict, to reſide at Portland. To the diſtrict of Bath ſhall be annexed Hollowell, Pittſtown and Topſham, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Bath. To the diſtrict of Wiſcaſſet ſhall be annexed Briſtol, Boothbay, Warren, Thomaſton and Waldoborough, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Wiſcaſſet. To the diſtrict of Penobſcot ſhall be annexed Frankfort, Sedgwick-Point and Deer-Iſland, as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Penobſcot. To the diſtrict of Frenchman's Bay ſhall be annexed Union River, as a port of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Frenchman's Bay. For each of the diſtricts of Machias and Paſſamaquady ſhall be appointed a collector, to reſide at the ſaid ports of Machias and Paſſamaquady, reſpectively. The diſtrict of Newburyport ſhall include all the waters and ſhores from the ſtate of New-Hampſhire to the north line of Ipſwich. The diſtrict of Glouceſter ſhall include all the waters and ſhores in the towns of Glouceſter and Mancheſter. The diſtrict of Salem and Beverly ſhall include all the ſhores and waters within the towns of Ipſwich, Beverly, Salem and Danvers. The diſtrict of Marblehead ſhall include all the waters and ſhores within the towns of Marblehead and Lynn. The diſtrict of Boſton and Charleſtown ſhall include all the waters and ſhores within the counties of Middleſex and Suffolk. The diſtrict of Plymouth, ſhall include all the waters and ſhores within the county of Plymouth, excepting the towns of Wareham and Rocheſter. The diſtrict of

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Barnſtable ſhall include all the ſhores and waters within the county of Barnſtable. The diſtrict of Nantucket ſhall include the iſland of Nantucket. The diſtrict of Edgartown ſhall include all the waters and ſhores within the county of Duke's County. The diſtrict of New-Bedford ſhall include all the waters and ſhores within the towns of New-Bedford, Dartmouth, Weſtport, Rocheſter and Wareham, together with all the iſlands within the county of Briſtol. The diſtrict of Dighton ſhall include all the waters and ſhores on Taunton river, and in the town of Rehoboth; and the collectors of the ſeveral diſtricts within that part of the ſtate of Maſſachuſetts eaſtward of New-Hampſhire, ſhall agree, as ſoon as may be, upon a diviſional line between their reſpective diſtricts, and tranſmit the ſame to the comptroller of the treaſury; and ſuch diſtricts, ſo agreed upon, ſhall include all the ſhores, waters and iſlands within the ſame. And in caſe of diſagreement between any of the ſaid collectors, concerning ſuch diviſional line, the Secretary of the Treaſury ſhall determine the ſame.

Diſtricts & ports in R. Iſland, &c.

In the ſtate of Rhode-Iſland and Providence Plantations, there ſhall be two diſtricts; to wit: The diſtrict of Newport, and the diſtrict of Providence. The diſtrict of Newport ſhall comprehend all the waters, ſhores, bays, harbors, creeks and inlets, from the weſt line of the ſaid ſtate all along the ſea coaſt and northward up the Narraganſet Bay, as far as the moſt eaſterly part of Kinnimicut Point at high water mark; and ſhall include the ſeveral towns, harbors, and landing places at Weſterly, Charleſton, South-Kingſtown, North-Kingſtown, Eaſt-Greenwich, and all that part of Warwick ſouthward of the lati-

tude of ſaid Kinnimicut Point; and alſo the towns, harbors and landing places of Barrington, Warren, Briſtol, Tiverton, Little-Compton, and all the towns, harbors and landing places of the iſland of Rhode-Iſland, James Town, Prudence, New-Shoreham, and every other iſland and place within the ſaid ſtate ſouthward of the latitude of the ſaid Kinnimicut Point. The diſtrict of Providence ſhall comprehend all the waters, ſhores, bays, harbors, creeks and inlets within the ſaid ſtate, northward of the latitude of Kinnimicut Point. The town of Newport ſhall be the ſole port of entry in the ſaid diſtrict of Newport; and a collector, naval-officer, and ſurveyor ſhall be appointed, to reſide at the ſaid town of Newport; and North-Kingſtown, Eaſt-Greenwich, Barrington, Warren, Briſtol and Pawcatuck river in Weſterly, ſhall be ports of delivery only; and a ſurveyor ſhall be appointed, to reſide at each of the ports of North-Kingſtown, Eaſt-Greenwich, Warren, Briſtol and Pawcatuck river, and the ſurveyor to reſide at Warren ſhall be ſurveyor for the port of Barrington. The town of Providence ſhall be the ſole port of entry in the ſaid diſtrict of Providence, and Patuxet in the ſame diſtrict ſhall be a port of delivery only; and collector, naval-officer and ſurveyor ſhall be appointed, to reſide at Providence, and a ſurveyor ſhall be appointed to reſide at Patuxet.

In the ſtate of Connecticut ſhall be three diſtricts, to wit: New-London, New-Haven, and Fairfield. The diſtrict of New-London ſhall extend from the eaſt line of the ſaid ſtate of Connecticut, to the weſt line of the town of Killingſworth, and north to the ſouth line of the ſtate of Maſſachuſetts; and ſhall alſo in- Diſtricts & ports in Connecticut.

clude the ſeveral towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, Eaſt-Haddam, Middletown, Chatham, Weathersfield, Glaſtenbury, Hartford, Eaſt-Hartford, Windſor, Eaſt-Windſor, and Killingſworth, as ports of delivery only; New-London to be the ſole port of entry; and a collector and ſurveyor for the diſtrict ſhall be appointed, to reſide at New-London; and a ſurveyor to reſide at each of the ports of Stonington and Middletown. The diſtrict of New-Haven ſhall extend from the weſt line of the diſtrict of New-London, weſterly to Ouſatumnick river; to which ſhall be annexed the ſeveral towns or landing places of Guildford, Branford, Milford and Derby, as ports of delivery only; New-Haven to be the ſole port of entry; and a collector and ſurveyor for the diſtrict ſhall be appointed, to reſide at New-Haven. The diſtrict of Fairfield ſhall include all the ports and places in the ſaid ſtate of Connecticut weſt of the diſtrict of New-Haven; to which ſhall be annexed the ſeveral towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the ſole port of entry; and a collector for the diſtrict ſhall be appointed, to reſide at Fairfield. And New-London, New-Haven, and Fairfield, ſhall ſeverally be ports of entry.

Diſtricts & ports in N. York.

In the ſtate of New-York ſhall be two diſtricts; to wit: Sagg-Harbor on Naſſau or Long-Iſland, and the city of New-York, each of which ſhall be a port of entry. The diſtrict of Sagg-Harbor ſhall include all bays, harbors, rivers and ſhores within the two points of land which are called Oyſter-Pond Point, and Montauk Point; and a collector for the

diſtrict ſhall be appointed, to reſide at Sagg-Harbor, which ſhall be the only place of delivery in the ſaid diſtrict. The diſtrict of the city of New-York ſhall include ſuch part of the coaſts, rivers, bays and harbors of the ſaid ſtate, not included in the diſtrict of Sagg-Harbor; and moreover the ſeveral towns or landing places of New-Windſor, Newburgh, Poughkeepſie, Eſopus, city of Hudſon, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector and ſurveyor for the diſtrict ſhall be appointed, to reſide at the city of New-York; alſo two ſurveyors, one to reſide at the city of Albany, and the other at the city of Hudſon; and all ſhips or veſſels bound to or from any port of delivery within the laſt named diſtrict, ſhall be obliged to come to, and enter or clear out at the city of New-York. Diſtricts & ports in N. York.

In the ſtate of New-Jerſey ſhall be four diſtricts; to wit: Perth-Amboy, Burlington, Bridgetown, and Great Egg-Harbor, which ſhall ſeverally be ports of entry. The diſtrict of Perth-Amboy ſhall comprehend all that part of the ſtate of New-Jerſey, known by the name of Eaſt New-Jerſey (that part excepted which is hereafter included in the diſtrict of Burlington) together with all the waters thereof heretofore within the juriſdiction of the ſaid ſtate; in which diſtrict the towns or landing places of New-Brunſwick, Middletown-Point, Elizabeth-Town, and Newark, ſhall be ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Perth-Amboy. The diſtrict of Burlington ſhall comprehend that part of the ſaid ſtate known by the name of Weſt New-Jerſey, which lies to the eaſtward and northward Diſtricts & ports in N. Jerſey.

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of the county of Glouceſter, with all the waters thereof heretofore within the juriſdiction of the ſaid ſtate, including the river and inlet of Little Egg-Harbor, with the waters emptying into the ſame, and the ſea-coaſt, ſound, inlets and harbors thereof, from Barnegat inlet to Brigantine inlets, in which diſtrict the landing places of Lamberton and Little Egg-Harbor ſhall be ports of delivery only; and a collector ſhall be appointed for the diſtrict, to reſide at Burlington, and a ſurveyor at Little Egg-Harbor. The diſtrict of Bridgetown ſhall comprehend the counties of Glouceſter, Salem, Cumberland, and Cape-May (ſuch part of the counties of Glouceſter and Cape-May as ſhall be herein after included in the diſtrict of Great Egg-Harbor, excepted) and all the waters thereof heretofore within the juriſdiction of the ſaid ſtate; and the town of Salem and Port Elizabeth, on Maurice river, ſhall be ports of delivery only; and a collector ſhall be appointed, to reſide at Bridgetown. The diſtrict of Great Egg-Harbor ſhall comprehend the river of Great Egg-Harbor, together with all the inlets, bays, ſound, rivers and creeks, along the ſea coaſt, from Brigantine inlet to Cape-May; and a collector ſhall be appointed, to reſide at Somers's Point, on the ſaid river of Great Egg-Harbor.

Diſtrict & port in Pennſylvania.

The ſtate of Pennſylvania ſhall be one diſtrict, and Philadelphia ſhall be the ſole port of entry and delivery for the ſame; and a collector, naval-officer and ſurveyor for the diſtrict ſhall be appointed, to reſide at the ſaid port of Philadelphia.

Diſtrict & ports in Delaware.

The ſtate of Delaware ſhall be one diſtrict, and the borough of Wilmington ſhall be the port of entry, to which ſhall be annexed Newcaſtle and Port Penn, as ports of delivery on-

ly; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

In the state of Maryland shall be nine districts; to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar-point, and George-Town. The district of Baltimore shall include Patapsco, Susquehannah, and Elk rivers, and all the waters and shores on the west side of Chesapeake-Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a collector, naval-officer and surveyor shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake-Bay, from the south side of Elk-river to the north side of the Eastern-Bay, and Wye river, inclusive; in which Georgetown on Sassafras river, shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake-Bay, from the north side of Wye river and the Eastern-Bay, to the south side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake-Bay, from the south side of Great Choptank river, to the south side of

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Hooper's Strait, Haynes's Point and Wicomico river, incluſive; and Saliſbury ſhall be the port of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Vienna. which ſhall be the ſole port of entry. The diſtrict of Snowhill ſhall include all the waters and ſhores on the ſea-coaſt, from the north line of Virginia, to the ſouth line of Delaware, together with all the waters and ſhores on the eaſtern ſide of Cheſapeake-Bay, from the ſouth ſide of Wicomico river, to the ſouth ſide of Pocomoke river, incluſive, ſo far as the juriſdiction of the ſaid ſtate of Maryland extends; to which Sinnipuxent ſhall be a port of delivery for Weſt-India produce only; and a collector for the diſtrict ſhall be appointed, to reſide at Snowhill, which ſhall be the ſole port of entry. The diſtrict of Annapolis ſhall include Magetty river, and all the waters and ſhores from thence to Drum-Point, on Patuxent river; and a collector for the diſtrict ſhall be appointed, to reſide at Annapolis, which ſhall be the ſole port of entry and delivery for the ſame. The diſtrict of Nottingham ſhall include all the waters and ſhores on the weſt ſide of Cheſapeake-Bay, to Drum-Point, on the river Patuxent, together with the ſaid river, and all the navigable waters emptying into the ſame, to which Benedict, Lower Marlborough, Town Creek, and Sylvey's Landing, ſhall be annexed as ports of delivery only; a collector for the diſtrict ſhall be appointed, to reſide at Nottingham, and a ſurveyor at Town Creek; and Nottingham ſhall be the ſole port of entry. The diſtrict of Cedar Point ſhall include all the waters of Potowmack within the juriſdiction of the ſtate of Maryland, from Point-look-out to Pomonky Creek, incluſive;

to which Nanjemoy, Saint Mary's and Lewellenſburg, ſhall be annexed as a port of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Cedar Point; alſo a ſurveyor to reſide at each of the ports of Saint Mary's and Lewellenſburg; and Cedar Point ſhall be the ſole port of entry. The diſtrict of Georgetown ſhall include all the waters and ſhores from Pomonky Creek, on the north ſide of Potowmack river, to the head of the navigable waters of the ſaid river within the juriſdiction of the ſtate of Maryland; to which Digges's landing and Carrolſburg ſhall be annexed as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Georgetown, which ſhall be the ſole port of entry. Diſtricts & ports in Maryland.

In the ſtate of Virginia ſhall be twelve diſtricts; to wit: Hampton as one port; Norfolk and Portſmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinſale, Dumfries, including Newport, Alexandria, Foley-Landing, Cherryſtone, South Quay, and Louiſville. The authority of the officers at Hampton ſhall extend over all the waters, ſhores, bays, harbors and inlets, between the ſouth ſide of the mouth of York river, along the weſt ſhore of Cheſapeake-Bay to Hampton, and thence up James river to the weſt ſide of Chickahominy river; and a collector ſhall be appointed, to reſide at Hampton, which ſhall be the ſole port of entry. To the diſtrict of Norfolk and Portſmouth ſhall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the diſtrict ſhall extend over all the waters, ſhores, bays, harbors and inlets com- Diſtricts & ports in Virginia.

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prehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's point, and up Elizabeth-river to the higheſt tide water thereof; and Norfolk and Portſmouth ſhall be the ſole port of entry; and a collector, naval-officer and ſurveyor for the diſtrict ſhall be appointed, to reſide at Norfolk; alſo a ſurveyor to reſide at each of the ports of Suffolk and Smithfield. To the diſtrict of Bermuda Hundred or City Point, ſhall be annexed Richmond, Peterſburg, and Mancheſter, as ports of delivery only; and a collector and ſurveyor ſhall be appointed, to reſide at Bermuda Hundred or City Point, which ſhall be the ſole port of entry; alſo a ſurveyor for Peterſburg to reſide thereat, and a ſurveyor for Richmond and Mancheſter to reſide at Richmond; and the authority of the officers of the ſaid diſtrict ſhall extend over all the waters, ſhores, bays, harbors and inlets, comprehended between Jordan's point and the higheſt tide water on James and Appamattox rivers. To the diſtrict of Yorktown ſhall be annexed Weſt-Point and Cumberland as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Yorktown, which ſhall be the ſole port of entry; alſo a ſurveyor for the two ports of delivery, to reſide at Weſt-Point; and the authority of the officers of the ſaid diſtrict ſhall extend over all the waters, ſhores, bays, harbors and inlets, comprehended betweeen the point forming the ſouth ſhore of the mouth of Rappahannock river, and the point forming the ſouth ſhore of the mouth of York river, and thence up the ſaid river to Weſt-Point, and thence up Pamunkey and Mattapony rivers to the higheſt navigable

waters thereof. To the diſtrict of Tappahannock ſhall be annexed Urbanna, Port-Royal, and Frederickſburg (including Falmouth), as ports of delivery only; and a collector for the diſtrict ſhall be appointed, to reſide at Tappahannock, which ſhall be the ſole port of entry; alſo a ſurveyor for each of the ports of Urbanna, Port-Royal, and Frederickſburg; and the authority of the officers of the ſaid diſtrict ſhall extend over all the waters, ſhores, bays, harbors and inlets, comprehended between Smith's point, at the mouth of Potowmack river, and the point forming the ſouth ſhore of the mouth of Rappahannock river, and thence up the laſt mentioned river to the higheſt tide water thereof. The diſtrict of Yeocomico river including Kinſale ſhall extend from Smith's Point on the ſouth ſide of Potowmack river, to Boyd's Hole on the ſame river, including all the waters, ſhores, bays, rivers, creeks, harbors and inlets along the ſouth ſhore of Potowmack river to Boyd's Hole aforeſaid; and Yeocomico including Kinſale, ſhall be the ſole port of entry; and a collector ſhall be appointed to reſide on Yeocomico river. The diſtrict of Dumfries including Newport, ſhall extend from Boyd's Hole to Cockpit-Point on the ſouth ſide of Potowmack river; and a collector ſhall be appointed, to reſide at Dumfries, which ſhall be the ſole port of entry; and the authority of the officers of this diſtrict ſhall extend over all the waters, ſhores, bays, harbors and inlets comprehended between Boyd's Hole and Cockpit-Point aforeſaid. For the diſtrict of Alexandria ſhall be appointed a collector and ſurveyor, to reſide at Alexandria, which ſhall be the ſole port of entry; and the authority of

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the officers of the ſaid diſtrict ſhall extend over all the waters, ſhores, bays, harbors and inlets on the ſouth ſide of the river Potowmack, from the laſt mentioned Cockpit-Point to the higheſt tide water of the ſaid river. For the diſtrict of Foley Landing ſhall be appointed a collector, who ſhall reſide at Accomack Court-houſe, and whoſe authority ſhall extend over all the waters, ſhores, bays, harbors and inlets of the county of Accomack. For the diſtrict of Cherryſtone ſhall be appointed a collector, to reſide at Cherryſtone, whoſe authority ſhall extend over all the waters, ſhores, bays, harbors and inlets comprehended within Northampton county. For the diſtrict of South Quay a collector ſhall be appointed, to reſide thereat, whoſe authority ſhall extend over all the waters, ſhores, bays, harbors and inlets in that part of Virginia, comprehended within the limits of the ſaid ſtate. For the diſtrict of Louiſville a collector ſhall be appointed, to reſide thereat, whoſe authority ſhall extend over all the waters, ſhores and inlets included between the rapids and the mouth of the Ohio river on the ſouth ſide thereof.

Diſtricts & ports in N.Carolina.

In the ſtate of North-Carolina ſhall be five diſtricts; one to be called the diſtrict of Wilmington, and to comprehend all the waters, ſhores, bays, harbors, creeks and inlets, from Little River inlet, incluſive, to New River inlet, incluſive: another to be called the diſtrict of Newbern, and to comprehend all the waters, ſhores, bays, harbors, creeks and inlets, from New River inlet, excluſive, to Ocracoke inlet, incluſive, together with that part of Pampticoe ſound which lies ſouthward and weſtward of the ſhoal projecting from the mouth of Pampticoe river towards the Royal

Shoal, and ſouthward of the ſaid Royal Shoal. Another to be called the diſtrict of Waſhington, and to comprehend all that part of Pamptico ſound not included in the diſtrict of Newbern, as far north as the marſhes. Another to be called the diſtrict of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets, from the marſhes, incluſive, northward and weſtward, except thoſe included in the diſtrict of Cambden. The other to be called the diſtrict of Cambden, and to comprehend North River, Paſquotank and Little Rivers, and all the waters, ſhores, bays, harbors, creeks and inlets, from the junction of Currituck and Albemarle ſounds to the north extremity of Back-Bay. That in the diſtrict of Wilmington, the town of Wilmington ſhall be a port of entry and delivery, and there ſhall be collector, naval-officer and ſurveyor, to reſide at the ſaid town of Wilmington. That in the diſtrict of Newbern, the town of Newbern ſhall be a port of entry and delivery, and the towns of Beaufort and Swanſborough ſhall be ports of delivery only, and there ſhall be a collector to reſide at Newbern, and a ſurveyor to reſide at Beaufort, and one at Swanſborough. That in the diſtrict of Waſhington, the town of Waſhington ſhall be the ſole port of entry and delivery, and there ſhall be a collector to reſide within the ſame. That in the diſtrict of Edenton, the town of Edenton ſhall be a port of entry and delivery, and Hertford, Murfreeſborough, Princeton, Winton, Bennet's Creek, Plymouth, Windſor and Skewarkey, ports of delivery; and there ſhall be a collector to reſide at the town of Edenton, and a ſurveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth,

Diſtricts & ports in N. Carolina.

Diſtricts & ports in N. Carolina.

Windſor and Skewarkey; and one at Murfreeſborough, for ſaid port and for Princeton. That all ſhips or veſſels intending to proceed to Plymouth, Windſor, Skewarkey, Winton, Bennet's Creek bridge, Murfreeſborough, or Princeton, ſhall firſt come to and enter at the port of Edenton. That in the diſtrict of Cambden, Plankbridge on Sawyer's Creek, ſhall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck inlet, Paſquotank River bridge, ports of delivery; and there ſhall be a collector at Plankbridge on Sawyer's Creek, and a ſurveyor at each of the ports of Nixonton, Indiantown, Currituck inlet, Paſquotank River bridge, and Newbiggin Creek; and that the authority of the officers of each diſtrict ſhall extend over all the waters, ſhores, bays, harbors, creeks and inlets comprehended within ſuch diſtrict. *Provided*, That any veſſels coming in at Ocracoke inlet, that may be under the neceſſity of employing lighters before they paſs the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of ſaid inlet, to which ſuch veſſels are bound. And that any veſſel coming in at the ſaid inlet in ballaſt, with the purpoſe of loading without the Royal Shoal, ſhall be at liberty to enter at any port of entry connected with the waters of the ſaid inlet.

Diſtricts and ports in S. Carolina.

In the ſtate of South-Carolina, ſhall be three diſtricts; to wit: Georgetown, Charleſton, and Beaufort, each of which ſhall be a port of entry. The diſtrict of Georgetown ſhall include the ſhores, inlets and rivers, from the boundary of North-Carolina to the point of Cape Romain. The diſtrict of Charleſton ſhall include all the ſhores, inlets and rivers, from

Cape Romain to Combahee river inclusive; and the district of Beaufort shall include the shores, inlets and rivers, from Combahee river to Back river in Geo gia, comprehending also the shores, inlets and harbors formed by the different bars and sea islands lying within each district respectively. At the port of Charleston shall be a collector, naval-officer and surveyor; and a collector at each of the other ports. Districts and ports in S. Carolina. Districts and ports in Georgia.

In the state of Georgia shall be four districts; to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the said river to the north point of Ossabaw island, and Great Ogeeche rivers, inclusive; and a naval-officer, collector and surveyor shall be appointed for the said district, to reside at Savannah. The district of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, south of the north point of Ossabaw island and Great Ogeeche river, exclusive, and north of the south point of Sapelo island, inclusive, and a collector for the said district shall be appointed to reside at Sunbury. The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Sapelo island, exclusive, to the south point of Jekyl island, inclusive; Frederica shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick. The district of Saint Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the south point of Jekyl island, exclusive, to Saint Mary's river, inclusive; and a collector for the said district shall

be appointed, to reſide at Saint Mary's: and in each of the ſaid diſtricts it ſhall be lawful for the collector to grant a permit to unlade at any port or place within the diſtrict, and to appoint or put on board any ſhip or veſſel for which a permit is granted, one or more ſearchers or inſpectors as may be neceſſary for the ſecurity of the revenue.

Sec. 2. *And be it further enacted*, That it ſhall not be lawful to make entry of any ſhip or veſſel which ſhall arrive from any foreign port or place within the United States, or of the cargo on board ſuch ſhip or veſſel elſewhere than at one of the ports of entry herein before eſtabliſhed, nor to unlade the ſaid cargo, or any part thereof, elſewhere than at one of the ports of delivery herein eſtabliſhed: *Provided always*, That every port of entry ſhall be alſo a port of delivery: *And provided further*, That none but ſhips or veſſels of the United States ſhall be admitted to unlade at any other than the ports following; to wit: Portſmouth, in the ſtate of New-Hampſhire: Portland and Falmouth, New-Bedford, Dighton, Salem and Beverly, Glouceſter, Newburyport, Marblehead, Sherburne, Boſton and Charleſtown, Plymouth, Bath, Frenchman's-Bay, Wiſcaſſet, Machias, and Penobſcot, in the ſtate of Maſſachuſetts: Newport and Providence, in the ſtate of Rhode-Iſland and Providence Plantations: New-London and New-Haven, in the ſtate of Connecticut: New-York, in the ſtate of New-York: Perth-Amboy, and Burlington, in the ſtate of New-Jerſey: Philadelphia, in the ſtate of Pennſylvania: Wilmington, Newcaſtle and Port-Penn, in the ſtate of Delaware: Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potowmack, Cheſtertown, Town-Creek, Not

Ports of entry to be ports of delivery.

Ports of delivery to which foreign veſſels are reſtricted.

tingham, Cedar Point, Digges's Landing, Snowhill and Carrollsburgh, in the ſtate of Maryland: Alexandria, Kinſale, Newport, Tappahannock, Port-Royal, Frederickſburg, Urbanna, Yorktown, Weſt-Point, Hampton, Bermuda Hundred, City-Point, Rocket's Landing, Norfolk, and Portſmouth, in the ſtate of Virginia: Wilmington, Newbern, Waſhington, Edenton, and Plankbridge, in the ſtate of North-Carolina: Charleſton, Georgetown, and Beaufort, in the ſtate of South-Carolina: and in either of the diſtricts of Savannah, Sunbury, Brunſwick, Frederica, and Saint Mary's, in the ſtate of Georgia; or to make entry in any other diſtrict than in one in which they ſhall be ſo admitted to unlade: *And provided laſtly*, That no ſhip or veſſel arriving from the Cape of Good Hope, or from any place beyond the ſame, ſhall be admitted to make entry at any other than the ports following; to wit: Portſmouth, in the ſtate of New-Hampſhire: Boſton and Charleſtown, Newburyport, Salem and Beverly, Glouceſter, Portland and Falmouth, in the ſtate of Maſſachuſetts: Newport, and Providence, in the ſtate of Rhode-Iſland and Providence Plantations: New-London, and New-Haven, in the ſtate of Connecticut: New-York, in the ſtate of New-York: Perth-Amboy, in the ſtate of New-Jerſey: Philadelphia, in the ſtate of Pennſylvania: Wilmington, in the ſtate of Delaware: Baltimore, Annapolis, and Georgetown, in the ſtate of Maryland: Alexandria, Norfolk, and Portſmouth, in the ſtate of Virginia: Wilmington, Newbern, Waſhington, and Edenton, in the ſtate of North-Carolina: Charleſton, Georgetown, and Beaufort, in the ſtate of South-Carolina: and Sunbury and Savan-

Ports of entry to which veſſels arriving from the Cape of G. Hope or beyond it are reſtricted.

nah, in the ſtate of Georgia: *Provided*, That nothing herein contained ſhall prevent the maſter or commander of any ſhip or veſſel, from making entry with the collector of any diſtrict in which ſuch ſhip or veſſel may be owned, or from which ſhe may have ſailed on the voyage from which ſhe ſhall then have returned.

Ports of delivery to which veſſels bound ſhall firſt come to at the port of entry.

Sec. 3. *And be it further enacted*, That the maſter or commander of every ſhip or veſſel bound to a port of delivery only, in any of the following diſtricts; to wit: Portland and Falmouth, Bath, Newburyport, New-London, (except the port of Stonington, in the ſaid diſtrict) Norfolk and Portſmouth, Bermuda-Hundred and City-Point, Yorktown, or Tappahannock, (except the port of Urbanna, in the ſaid diſtrict) and Edenton, ſhall firſt come to at the port of entry of ſuch diſtrict, with his ſhip or veſſel, and there make report or entry, and pay, or ſecure to be paid, all legal duties, port fees and charges in manner by this act provided, before ſuch ſhip or veſſel ſhall proceed to her port of delivery; and that any ſhip or veſſel bound to a port of delivery in any diſtrict other than thoſe above-mentioned, or to either of the ports of Stonington or Urbanna, may firſt proceed to her port of delivery, and afterwards make report or entry within the time by this act limited.

Diſtricts to which veſſels bound ſhall not paſs certain ports without delivering a manifeſt.

Sec. 4. *And be it further enacted*, That the maſter or commander of every ſhip or veſſel, if bound to the diſtrict of Nottingham, ſhall, before he paſs by the port of Town-Creek, and immediately after his arrival, depoſit with the ſurveyor of the ſaid port, a true manifeſt of the cargo on board ſuch ſhip or veſſel: if bound to the diſtrict of Tappahannock, ſhall, before

he paſs by the port of Urbanna, and immediately after his arrival, depoſit with the ſurveyor for that port a like manifeſt: if bound to the diſtrict of Bermuda-Hundred or City-Point, ſhall, before he paſs by Elizabeth-River, and immediately after his arrival, depoſit with the collector of the port of Norfolk and Portſmouth, or with the collector of the port of Hampton, a like manifeſt: and if bound to the diſtrict of South-Quay, ſhall, before he paſs by the port of Edenton, and immediately after his arrival, depoſit with the collector of the port of Edenton, a like manifeſt. And the ſaid ſurveyors and collectors reſpectively, ſhall, after regiſtering the manifeſts, tranſmit the ſame, duly certified to have been ſo depoſited, to the officer with whom the entries are to be made. And if the maſter or commander of any ſhip or veſſel ſhall neglect or omit to depoſit a manifeſt in manner aforeſaid, and as the caſe ſhall require, he ſhall forfeit and pay five hundred dollars, to be recovered with coſts of ſuit, one half to the uſe of the officer with whom ſuch manifeſt ought to have been depoſited, and the other half to the uſe of the collector of the diſtrict to which the ſaid ſhip or veſſel may be bound: *Provided*, That if manifeſts ſhall have been in either of the ſaid caſes previouſly delivered to any officer of the cuſtoms, purſuant to the proviſion hereinafter to be made in that behalf, the depoſiting of a manifeſt as aforeſaid ſhall not be neceſſary: *And provided alſo*, That no maſter of any ſhip or veſſel which was abſent from the United States on the firſt day of May laſt, and which hath not ſince returned within the ſame, or of any ſhip or veſſel not owned wholly or in part by a citizen or inhabitant of the United States,

Penalty for neglecting to depoſit manifeſt

ſhall incur the ſaid penalty, if he ſhall make oath or affirmation that he had no knowledge of or information concerning the regulation herein contained, unleſs it can be otherwiſe proved that he had ſuch knowledge or information.

Officers to be appointed in purſuance of this act to take an oath;

Sec. 5. *And be it further enacted*, That all officers and perſons to be appointed purſuant to this act, before they enter upon the duties of their reſpective offices, ſhall ſeverally take an oath diligently and faithfully to execute the duties of their ſaid offices reſpectively, and to uſe their beſt endeavors to prevent and detect frauds in relation to the duties impoſed by the laws of the United States; which oath, if taken by a collector, may be taken before any magiſtrate authorized to adminiſter oaths within the diſtrict to which he belongs; but if taken by another, ſhall be taken before the collector of his diſtrict, and being certified under the hand and ſeal of the perſon by whom the ſame ſhall have been adminiſtered, ſhall, within three months thereafter be tranſmitted to the comptroller of the treaſury; in default of taking which oath, the party failing ſhall forfeit and pay two hundred dollars, to be recovered with coſts of ſuit, in any court of competent juriſdiction, to the uſe of the United States.

penalty in default thereof.

Duties of the collector

Sec. 6. *And be it further enacted*, That the ſeveral officers of the cuſtoms ſhall reſpectively perform the duties following; to wit: At ſuch of the ports to which there ſhall be appointed a collector, naval-officer and ſurveyor, the collector ſhall receive all reports, manifeſts and documents, to be made or exhibited on the entry of any ſhip or veſſel, according to

the regulations of this act; ſhall record in books to be kept for that purpoſe, all ſuch manifeſts; ſhall receive the entries of all ſhips and veſſels, and of the goods, wares and merchandize imported in them; ſhall, together with the naval-officer, where there is one, or alone where there is none, eſtimate the amount of the duties payable thereupon, endorſing the ſaid amount upon the reſpective entries; ſhall receive all monies paid for duties, and take all bonds for ſecuring the payment thereof; ſhall grant all permits for the unlading and delivery of goods; ſhall employ proper perſons as weighers, guagers, meaſurers and inſpectors at the ſeveral ports within his diſtrict; and ſhall provide at the public expence, and with the approbation of the principal officer of the treaſury department, ſtore-houſes for the ſafe-keeping of goods, and ſuch ſcales, weights and meaſures as may be neceſſary. The naval-officers ſhall receive copies of all manifeſts; ſhall together with the collector, eſtimate the duties on all goods, wares and merchandize ſubject to duty, keeping a ſeparate record thereof; and ſhall counterſign all permits, clearances, certificates and debentures to be granted by the collector. The ſurveyor ſhall ſuperintend and direct all inſpectors, weighers, meaſurers and guagers within his diſtrict; ſhall viſit and inſpect the ſhips or veſſels which arrive within his diſtrict, and ſhall have power to put on board each of them one or more inſpectors; ſhall aſcertain the proofs of diſtilled ſpirits, rating thoſe which ſhall be of the proof of twenty-four degrees as of Jamaica proof; and ſhall examine whether the goods imported in any ſhip or veſſel, and the deliveries thereof, are conformable to the entries of ſuch goods

naval officer

and

ſurveyor,

and the permits for landing the ſame; and the ſaid ſurveyor ſhall in all caſes be ſubject to the controul of the collector. And at ſuch ports to which a collector and ſurveyor only are aſſigned, the ſaid collector ſhall ſolely execute all the duties in which the co-operation of the naval-officer is requiſite at the ports where a naval-officer ſhall be appointed, which he ſhall alſo do in caſe of the diſability or death of the naval-officer. And at the ports to which a collector only is aſſigned, ſuch collector ſhall ſolely execute all the duties in which the co-operation of the naval-officer is requiſite as aforeſaid: and ſhall alſo, as far as may be, perform all the duties preſcribed to ſurveyors at the ports where ſuch officers are eſtabliſhed. And at ports to which ſurveyors only are aſſigned, every ſuch ſurveyor ſhall perform all the duties herein before enjoined upon ſurveyors; and ſhall alſo receive and record the copies of all manifeſts which ſhall be tranſmitted to him by the collector; ſhall record all permits granted by ſuch collector, diſtinguiſhing the guage, weight, meaſure and quality of the goods ſpecified therein; and ſhall take care that no goods be unladen or delivered from any ſhip or veſſel without a proper permit for that purpoſe. And at ſuch ports of delivery only to which no ſurveyor is aſſigned, it ſhall be lawful for the collector of the diſtrict occaſionally and from time to time to employ a proper perſon or perſons to do the duties of a ſurveyor, who ſhall be entitled to the like compenſation with inſpectors, during the time they ſhall be employed. And the ſaid collectors, naval-officers and ſurveyors ſhall reſpectively attend in perſon at the ports to which they are reſpectively aſſigned; and ſhall keep fair and

Further duties of ſurveyor and collector.

Collector may occaſionally employ a ſurveyor.

true accounts and records of all their tranſactions as officers of the cuſtoms, in ſuch manner and form as may be directed by the proper department, or officer having the ſuperintendance of the collection of the revenue of the United States; and ſhall at all times ſubmit their books, papers and accounts to the inſpection of ſuch perſons as may be appointed for that purpoſe. And the ſaid collectors ſhall at all times pay to the order of the officer who ſhall be authorized to direct the payment thereof, the whole of the monies which they may reſpectively receive by virtue of this act (ſuch monies as they are otherwiſe by this act directed to pay only excepted); and ſhall alſo once in every three months, or oftener if they ſhall be required, tranſmit their accounts for ſettlement to the officer or officers whoſe duty it ſhall be to make ſuch ſettlement.

Collectors, naval officers and ſurveyors to keep books.

Collectors to pay all monies received, and ſettle their accounts every three months.

Sec. 7. *And be it further enacted*, That every collector, naval-officer and ſurveyor, in caſes of occaſional and neceſſary abſence, or of ſickneſs, and not otherwiſe, may reſpectively exerciſe and perform their ſeveral powers, functions and duties, by deputy duly conſtituted under their hands and ſeals reſpectively, for whom in the execution of the truſt they ſhall reſpectively be anſwerable.

Collectors, naval-officers and ſurveyors may appoint deputies.

Sec. 8. *And be it further enacted*, That in caſe of the diſability or death of a collector, the duties and authorities veſted in him ſhall devolve on his deputy, if any there be at the time of ſuch diſability or death (for whoſe conduct the eſtate of ſuch diſabled or deceaſed collector ſhall be liable): And in defect of a deputy, the ſaid authorities and duties ſhall devolve upon the naval-officer of the ſame diſ-

Duties of a deputy collector.

trict, if any there be; and if there be no naval-officer, upon the ſurveyor of the port appointed for the reſidence of ſuch diſabled or deceaſed collector, if any there be; and if none, upon the ſurveyor of the port neareſt thereto, and within the ſame diſtrict. And in every caſe of the death or diſability of a ſurveyor, it ſhall be lawful for the collector of the diſtrict to nominate ſome fit perſon to perform his duties and exerciſe his authorities. And the authorities of the perſons hereby empowered to act in the ſtead of thoſe who may be diſabled or dead, ſhall continue until ſucceſſors ſhall be duly appointed, and ready to enter upon the execution of their reſpective offices,

Collector may nominate a ſurveyor.

Maſters of veſſels from foreign ports, to have manifeſts of their cargo.

Sec. 9. *And be it further enacted*, That from and after the firſt day of October next, no goods, wares or merchandize ſhall be brought into the United States from any foreign port or place, in any ſhip or veſſel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unleſs the maſter or perſon having the charge or command of ſuch ſhip or veſſel ſhall have on board a manifeſt or manifeſts in writing, ſigned by ſuch maſter or other perſon, containing the name or names of the port or ports, place or places where the goods in ſuch manifeſt or manifeſts mentioned, ſhall have been reſpectively taken on board, and the port or ports, place or places within the United States for which the ſame are reſpectively conſigned or deſtined, and the name and built of ſuch ſhip or veſſel, and the true admeaſurement or tonnage thereof according to the regiſter of the ſame, together with the name of the maſter or other perſon having the command or charge

of ſuch ſhip or veſſel, and the port or place to which ſuch ſhip or veſſel truly belongs, and a juſt and particular account of all the cargo ſo laden or taken on board, whether in packages or ſtowed looſe, together with the marks and numbers, in words at length, of the ſaid packages reſpectively, with a deſcription of each, as whether leaguer, pipe, butt, puncheon, hogſhead, barrel, caſe, bale, pack, truſs, cheſt, box, bundle, or other caſk or package, deſcribing the ſame by its uſual name or denomination.

Forfeiture of the value of goods not included in ſaid manifeſt.

Sec. 10. *And be it further enacted*, That if any goods, wares or merchandize ſhall, after the ſaid firſt day of October next, be imported or brought into the United States, in any ſhip or veſſel, whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, from any foreign port or place, without ſuch manifeſt or manifeſts in writing, or ſhall not be included and deſcribed therein, or ſhall not agree therewith, in every ſuch caſe the maſter or other perſon having the command or charge of ſuch ſhip or veſſel, ſhall forfeit a ſum of money equal to the value of ſuch goods, not included in ſuch manifeſt or manifeſts: *Provided always*, That if it ſhall be made appear to the ſatisfaction of the collector, naval-officer and ſurveyor, or the major part of them, where thoſe offices are eſtabliſhed at any port, or to the ſatisfaction of the collector alone, where either of the other of the ſaid offices is not eſtabliſhed, or to the ſatisfaction of the court in which a trial ſhall be had concerning ſuch forfeiture, that no part of the cargo of ſuch ſhip or veſſel had been unſhipped, after it was taken on board, except ſuch as ſhall have

Reſtitution of them if the manifeſts are loſt.

been ſpecified and accounted for in the report of the maſter or other perſon having the charge or command of ſuch ſhip or veſſel, and that the manifeſt or manifeſts had been loſt or miſlaid, without fraud or colluſion, or that the ſame was or were defaced by accident, or incorrect by miſtake, in every ſuch caſe the forfeiture aforeſaid ſhall not be incurred.

Maſters of veſſels to deliver manifeſts to the officer who ſhall firſt go on board.

Sec. 11. *And be it further enacted*, That every maſter or other perſon having the charge or command of any ſhip or veſſel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, laden with goods as aforeſaid, and bound to any port or place in the United States, ſhall on his arrival within four leagues of the coaſt thereof, or within any of the bays, harbors, ports, rivers, creeks or inlets thereof, upon demand, produce ſuch manifeſt or manifeſts in writing, which ſuch maſter or other perſon is herein before required to have on board his ſaid ſhip or veſſel, to ſuch officer or officers of the cuſtoms, as ſhall firſt come on board his ſaid ſhip or veſſel, for his or their inſpection, and ſhall deliver to ſuch officer or officers a true copy or copies thereof (which copy or copies ſhall be provided aud ſubſcribed by the ſaid maſter or other perſon having the command or charge of ſuch ſhip or veſſel); and that the officer or officers to whom the original manifeſt or manifeſts ſhall have been ſo produced, ſhall reſpectively certify upon the back thereof, that the ſame was or were produced, and the day and year on which the ſame was or were ſo produced, and that ſuch copy or copies as aforeſaid, was or were to him or them delivered, and ſhall likewiſe certify upon the back of ſuch copy or copies, the day and

year on which the ſame was or were delivered, and ſhall forthwith tranſmit ſuch copy or copies to the reſpective collectors of the ſeveral diſtricts, to which the goods by ſuch manifeſt or manifeſts ſhall appear reſpectively to be conſigned; and that the ſaid maſter or other perſon ſo having the charge or command of any ſuch ſhip or veſſel, ſhall in like manner produce to the officer or officers of the cuſtoms who ſhall firſt come on board ſuch ſhip or veſſel upon her arrival within the limits of any diſtrict of the United States, in which the cargo or any part thereof is intended to be diſcharged or landed, for his or their inſpection, ſuch manifeſt or manifeſts as aforeſaid, and ſhall alſo deliver to him or them a true copy or copies thereof, (ſuch copy or copies alſo to be provided and ſubſcribed by the ſaid maſter or other perſon having the charge or command of ſuch ſhip or veſſel) the production of which ſaid manifeſt or manifeſts, and the delivery of which ſaid copy or copies thereof ſhall alſo be certified by the ſaid officer or officers of the cuſtoms who ſhall ſo firſt come on board the ſaid ſhip or veſſel on her arrival within the limits of any ſuch diſtrict, upon the back of the ſaid original manifeſt or manifeſts, with the particular day and year when ſuch manifeſt or manifeſts was or were produced to ſuch officer or officers, and when he or they ſo received the ſaid copy or copies thereof; and ſuch officer or officers is and are hereby required forthwith to tranſmit or cauſe to be tranſmitted, the ſaid copy or copies of the ſaid manifeſt or manifeſts to the collector of that diſtrict, and the ſaid maſter or perſon having the charge or command of the ſaid ſhip or veſſel, ſhall afterwards pro-

the delivery of which ſhall be certified thereon by ſuch officer;

except in cases of accident or distress.

weather; of which unavoidable accident, necessity or distress, the master or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the mariners on board such ship or vessel, shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the United States within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, (which oath the said collector or other chief officer is hereby authorized and required to administer.)

Masters of vessels receiving goods, except in such cases, to forfeit treble their value and vessels.

Sec. 14. *And be it further enacted*, That if any goods, wares or merchandize so unladen from on board of any such ship or vessel, shall be put or received into any other ship, vessel or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of the ship, vessel or boat into which the said goods shall be so put and received, and every other person aiding and assisting therein, shall forfeit treble the value of the said goods; and the said ship, boat or vessel shall also be forfeited and lost.

Masters of vessels to incur a penalty for sailing from any district after arriv-

Sec. 15. *And be it further enacted*, That if any ship or vessel which shall have arrived within the limits of any district of the United States from any foreign port or place, shall depart or attempt to depart from the same, unless, to

proceed on her way to ſome more interior diſtrict to which ſhe may be bound, before report or entry ſhall have been made by the maſter or other perſon having the charge or command of ſuch ſhip or veſſel, with the collector of ſome diſtrict of the United States, the ſaid maſter or other perſon having ſuch charge or command ſhall forfeit and pay the ſum of four hundred dollars. And it ſhall be lawful for any collector, naval-officer, ſurveyor, or commander of any of the cutters herein after mentioned, to arreſt and bring back, or cauſe to be arreſted and brought back, ſuch ſhip or veſſel, to ſuch port of the United States to which it may be moſt conveniently done. *Provided*, That if it ſhall be made to appear by the oath of the ſaid maſter or other perſon having the charge or command of ſuch ſhip or veſſel, and of the perſon next in command, or other ſufficient proof to the ſatisfaction of the collector of the diſtrict within which ſuch ſhip or veſſel ſhall afterwards come, or to the ſatisfaction of the court in which the proſecution for ſuch penalty may be had, that the ſaid departure, or attempt to depart, was occaſioned by diſtreſs of weather, purſuit or dureſs of enemies, or other neceſſity, the ſaid penalty ſhall not be incurred.

ing, if they do not enter, except in caſes of diſtreſs.

Sec. 16. *And be it further enacted*, That within twenty-four hours after the arrival of any ſhip or veſſel from any port or place, at any port of the United States eſtabliſhed by law, at which an officer of the cuſtoms reſides, or within any harbor, inlet or creek thereof, if the hours of buſineſs at the office of the chief officer of the cuſtoms at ſuch port will permit, or as ſoon thereafter as the ſaid hours will permit, the maſter or other perſon having

To make an entry within 24 hours;

the charge or command of such ship or vessel, shall repair to the said office, and shall make report to the said chief officer of the arrival of the said ship or vessel; and within forty-eight hours after such arrival, shall make a farther report to the collector of the said district in which such port may be, of the name, burthen and lading of such ship or vessel, whether in packages or stowed loose, and of the particular marks, numbers and contents of each package, and the place or places, person or persons to or for which or whom they are respectively consigned or destined, also of the place or places where she took in her lading, of what country built, from what foreign port or place she last sailed, who was master or commander of her during the voyage, who is at the time of such report master or commander of her, and (if a vessel of the United States) who are owners of her; unless the whole of such information required on the second report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel herein before required to have on board at the time of her departure from such foreign port or place for the United States, a manifest or manifests of the lading of such ship or vessel, or of any part thereof, the said master or person having the said charge or command, shall, at the time of making the said report, deliver the said manifest or manifests to the collector to whom the said report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions

and a report of his cargo within 48 hours;

and deliver a manifest thereof to the collector.

of this act. And the ſaid maſter or perſon having the charge or command of any ſuch ſhip or veſſel, ſhall in each caſe declare that no part of her lading, ſince her departure from the ſaid foreign port or place from which ſhe ſhall be ſo reported to have laſt ſailed, has been landed or unladed, or otherwiſe removed from on board of her, except as he ſhall then ſpecify, together with the cauſe, time, place and manner; and ſhall further declare, that in caſe he ſhall afterwards diſcover or know of any goods, wares or merchandize, other than thoſe by him then reported, he will forthwith thereafter make report thereof to the ſaid collector: which report and declarations reſpectively ſhall be in writing, ſigned by the party making the ſame, and ſhall be atteſted by his oath, to the beſt of his knowledge and belief; and the ſaid collector is hereby authorized and required to adminiſter the ſame. And if the ſaid maſter or perſon having the charge or command of any ſuch ſhip or veſſel ſhall neglect or omit to make the ſaid reports, or either of them, and declaration or declarations, or to deliver the ſaid manifeſt or manifeſts, or to take the ſaid oath, as the caſe may require, he ſhall for every ſuch offence forfeit and pay the ſum of one thouſand dollars.

To make report on oath of what he may have landed ſince he failed from the port where he loaded.

Penalty on refuſal or neglect.

Sec. 17. *Provided always, and be it further enacted*, That it ſhall not be neceſſary for the maſter or perſon having the charge or command of any ſhip or veſſel of war, or of any ſhip or veſſel employed by any prince or ſtate, as a public packet for the conveyance of letters and diſpatches, and not permitted by the laws of ſuch prince or ſtate to be employed in the tranſportation of goods, wares or merchan-

Maſters of foreign ſhips of war or packets not to make report and entry.

dize in the way of trade, to make such report and entry as aforesaid.

Masters of vessels after arriving & entering may proceed to a foreign port.

Sec. 18. *And be it further enacted*, That it shall be lawful for the said ship or vessel to proceed with any goods, wares or merchandize brought in her, which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares or merchandize, as shall be actually re-exported in the said ship or vessel accordingly; any thing herein contained to the contrary notwithstanding. *Provided always*, That the said master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares and merchandize, as the same shall be estimated by the collector to whom the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares or merchandize, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid or secured according to law, which bond shall be cancelled in like manner as bonds herein after directed to be given for obtaining drawbacks of duties. *Provided nevertheless*, That such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner herein after prescribed.

After giving bond that his cargo shall not be landed in the United States without first entered.

Bond not to be required when vessels put in from distress.

Duties to be paid only in such districts where goods are landed.

Sec. 19. *And be it further enacted*, That it shall be lawful for any ship or vessel in which any goods, wares or merchandize shall be brought into the United States from any foreign port or place, to proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

Collector to furnish the master of a vessel bound to another district with a copy of his report;

Sec. 20. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, with goods, wares or merchandize brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report made by such master or person having the charge or command of such ship or vessel, certified by the said collector, together with a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district. And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master or person having the charge or command of such ship or vessel shall make report or entry to or with the collector of such other district, producing and shewing the said certified copy of his said first report, together with a certificate from each collector of any other district within which any of the goods, wares or merchandize brought in such ship or vessel shall have been before

which he is to shew to collector of that district within 24 hours after his arrival;

landed, of the quantity and particulars of such of the said goods, wares and merchandize as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, That the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been reported to be destined. And the said bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate

and to give bond that the residue of his goods shall be entered & delivered in such districts as reported to be destined to.

Penalty on neglect thereof.

which he ought to obtain as aforeſaid, or ſhall neglect to produce and ſhew the ſame to the collector of any other diſtrict to which the ſaid ſhip or veſſel ſhall afterwards proceed, within the time for that purpoſe herein before ſpecified, he ſhall forfeit and pay for every ſuch neglect or omiſſion five hundred dollars.

Owner or conſignee to make entry of goods imported upon oath.

Sec. 21. *And be it further enacted*, That the owner or owners, conſignee or conſignees of any goods, wares or merchandize on board of any ſuch ſhip or veſſel, or in caſe of his, her or their abſence or ſickneſs, his, her or their known factor or agent, in his, her or their names, within fifteen days after report of the maſter or perſon having the charge or command of ſuch ſhip or veſſel to the collector of the diſtrict for which ſuch goods, wares or merchandize ſhall be deſtined, ſhall make entry thereof with the ſaid collector, and ſhall ſpecify in ſuch entry the particular marks, numbers and contents of each package or parcel whereof they ſhall conſiſt, or if in bulk, the quantity and quality, together with the nett prime coſt thereof; and ſhall alſo produce to the ſaid collector, if any ſuch there be, the original invoice or invoices, or other documents in lieu thereof, and bill or bills of lading; all which ſhall be done upon the oath of the perſon by whom ſuch entry ſhall be made, according to the beſt of his or her knowledge and belief; who ſhall thereby alſo declare that if he or ſhe ſhall afterwards diſcover or know of any other goods, wares or merchandize imported in ſuch ſhip or veſſel, belonging or conſigned to the perſon or perſons by whom or on whoſe behalf ſuch entry ſhall have been made, he or ſhe will forthwith make known the ſame, in order to the due entry thereof,

and the payment or ſecuring the payment of the duties thereupon: *Provided always*, That where the particulars of any ſuch goods, wares or merchandize ſhall be unknown, in lieu of the entry herein before directed to be made, an entry thereof ſhall be made and received according to the circumſtances of the caſe, the party making the ſame, declaring upon oath all that he or ſhe knows or believes concerning the quantity and particulars of the ſaid goods, and that he or ſhe has no other knowledge or information concerning the ſame; which entry, as well the firſt as the laſt, ſhall be made in writing, and ſhall be ſubſcribed by the party making the ſame.

And in order to aſcertain what articles ought to be exempted from duty, as the ſea ſtores of a ſhip or veſſel,

Sea ſtores exempt from duty.

Sec. 22. *Be it further enacted*, That the maſter or perſon having the charge or command of ſuch ſhip or veſſel, ſhall particularly ſpecify the ſaid articles in the report to be by him made as aforeſaid, deſignating them as the ſea ſtores of the ſaid ſhip or veſſel; and in the ſaid oath to be taken by ſuch maſter or other perſon, he ſhall declare that the articles ſo ſpecified as ſea ſtores are truly ſuch, and were bona fide put on board the ſaid ſhip or veſſel for the uſe of the officers, crew and paſſengers thereof, and were not brought and are not intended by way of merchandize or for ſale; whereupon the ſaid articles ſhall be free from duty: *Provided always*, That if it ſhall appear to the collector to whom ſuch report ſhall be made, together with the naval-officer, where there is one, or alone where there is none, that the quantities of the ſaid articles ſo reported as ſea ſtores are exceſſive, it ſhall be lawful for

Exceſs thereof to be valued, and duties thereon paid.

the ſaid collector jointly with the ſaid naval-officer, or alone as the caſe may be, in his or their diſcretion, to eſtimate the amount of the duty on ſuch exceſs; which ſhall be forthwith paid by the ſaid maſter or perſon having the command or charge of the ſaid ſhip or veſſel to the ſaid collector, on pain of forfeiting the value of ſuch exceſs. And if any of the ſaid articles ſhall be landed for the purpoſe of being ſold, or to be otherwiſe uſed than as the ſea ſtores of the ſhip or veſſel in which they were brought, all ſuch as ſhall be ſo landed ſhall be forfeited, and the maſter or commander of ſuch ſhip or veſſel being privy thereto, ſhall moreover forfeit and pay treble the value of the articles ſo landed.

Penalty for landing & ſelling them.

And alſo to aſcertain what articles ought to be exempted from duty, as the cloaths, books, houſhold furniture, tools or implements of the trade or profeſſion of perſons arriving within the United States:

Sec. 23. *Be it further enacted*, That due entry thereof, as of other goods, wares and merchandize, but ſeparate and diſtinct from that of any other goods, wares or merchandize imported from a foreign port or place, ſhall be made with the collector of the diſtrict in which the ſaid articles are intended to be landed by the owner thereof, his or her agent, who ſhall make oath before the ſaid collector, according to the beſt of his or her knowledge or belief, touching the perſon to whom the ſaid articles ſhall belong, and his calling or occupation, the arrival or expected arrival of the ſaid perſon within the United States, and that the ſaid articles are truly intended for the uſe of the ſaid owner ſolely, or jointly with his or

Other articles exempt from duty, to be entered diſtinctly upon oath by owner.

her family, as the caſe may be, and are not directly nor indirectly imported or intended for ſale; which oath ſhall be in writing, endorſed upon the ſaid entry, and ſubſcribed by the party making the ſame. And in caſe the ſaid party ſhall be other than the owner of the ſaid articles, he or ſhe ſhall give bond with one or more ſureties to the ſatisfaction of the ſaid collector, in a ſum equal to what would be the amount of the duties on the ſaid articles if imported ſubject to duty, with condition that in a certain time therein to be ſpecified, not exceeding one year, a like oath as above directed ſhall be made by the ſaid owner, and if not made before the ſaid collector, ſhall be produced to him duly authenticated; whereupon a permit ſhall and may be granted for landing the ſaid articles. And a copy of every ſuch entry, and of the oath endorſed thereupon, ſhall be tranſmitted to the Secretary of the Treaſury for his information.

and if by any other, the oath of the owner to be produced within one year,

and tranſmitted with the entry to ſecretary of treaſury.

And whereas by the letter of the act, intituled, "An act for laying a duty on goods, wares and merchandizes imported into the United States," articles of the growth or manufacture of the United States, exported to foreign countries, and brought back to the United States, are ſubject to duty on their importation into the ſaid ſtates; and whereas it was not the intention of Congreſs that they ſhould be ſo ſubject to duty:

Duties paid on articles of the growth and manufacture of the U. States, exported &c.

Sec. 24. *Be it therefore further enacted*, That in every caſe in which a duty may have been heretofore paid on goods, wares or merchandizes of the growth or manufacture of the United States, exported to a foreign country, and brought back to the ſaid ſtates, the amount

thereof ſhall be repaid to the perſon or perſons by whom the ſame ſhall have been paid, or to his, her, or their repreſentatives; and that in every caſe in which ſuch duty may have accrued, but may not have been paid, the ſame be remitted, and that no ſuch duty ſhall hereafter be demanded: *Provided*, That the regulations herein after preſcribed for aſcertaining the identity of ſuch goods, wares or merchandize, be obſerved and complied with, and that as well in reſpect to thoſe heretofore imported, as far as may be practicable, as to thoſe hereafter to be imported.

bro't back, to be refunded

And alſo to aſcertain the identity of articles of the growth, product or manufacture of the United States, which having been exported to any foreign port or place, ſhall be brought back to the ſaid ſtates:

Sec. 25. *Be it further enacted*, That report and entry thereof ſhall be made as in other caſes of goods, wares and merchandize imported from a foreign port or place, and proof by oath of the perſon or perſons having knowledge of the facts, ſhall be made to the ſatisfaction of the collector of the diſtrict, with whom ſuch entry ſhall be jointly with the naval officer, if there be a naval officer, or alone if there be no naval-officer, that the ſaid articles had been exported from the United States, as of their growth, product or manufacture, and of the time when, by whom, in what ſhip or veſſel, and for what port or place they were ſo exported; and if the ſaid collector ſhall be other than the collector of the diſtrict from which the ſaid articles ſhall have been exported, a certificate of the latter ſhall be produced to the former, teſtifying the exportation thereof in conformity to the proof aforeſaid: where-

and to aſcertain their identity, they are to be entered in the ſame manner as other articles imported.

upon a permit ſhall and may be granted for landing the ſame: *Provided*, That if the ſaid certificate cannot be immediately produced, and if the proof otherwiſe required ſhall be made, and if bond ſhall be given, with one or more ſureties to the ſatisfaction of the collector of the diſtrict within which the ſaid articles are intended to be landed, in a ſum equal to what the duties would be on the ſaid articles, if they were not of the growth, product or manufacture of the United States; with condition that the ſaid certificate ſhall be produced within the term of four months, it ſhall be lawful for the ſaid collector to grant a permit for the landing of the ſaid articles, in like manner as if the ſaid certificate had been produced.

Oaths to be adminiſtered on entries by officers of cuſtoms,

Sec. 26. *And be it further enacted*, That the oaths to be taken upon making of any of the reports or entries aforeſaid, whether by the maſter or other perſon having the charge or command of any ſhip or veſſel, or the owner or conſignee of any goods, wares or merchandize, his or her factor or agent, ſhall be adminiſtered by the collector or officer to whom report or entry ſhall be made, and where there ſhall be a naval officer, in the preſence of ſuch naval-officer, who ſhall attend for that purpoſe, and ſhall be reduced to writing, and ſhall be ſubſcribed by the perſon adminiſtering the ſame, and by the ſaid naval-officer, if any ſhall be preſent: and the ſaid collector, jointly with the ſaid naval-officer, where there is a naval-officer, or alone where there is none, ſhall according to the beſt of his or their judgment or information, make a groſs eſtimate of the amount of the duties on the goods, wares or merchandize to which the entry of any owner or conſignee, his or her factor or agent ſhall

who ſhall make an eſtimate of the amount of the duties thereon.

relate, which eſtimate ſhall be endorſed upon ſuch entry, and ſigned by the officer or officers making the ſame. And the amount of the ſaid duties according to the ſaid eſtimate, having been firſt paid or ſecured, purſuant to the proviſions of this act, the ſaid collector ſhall grant a permit to land the goods, wares or merchandize, whereof ſuch entry ſhall have been made, and then and not otherwiſe it ſhall be lawful to land the ſaid goods.

Penalty for unlading goods unleſs in open day and with a permit,

Sec. 27. *And be it further enacted*, That no goods, wares or merchandize brought in any ſhip or veſſel from any foreign port or place, ſhall be unladen or delivered from ſuch ſhip or veſſel, within the United States, but in open day; that is to ſay; between the riſing and ſetting of the ſun, except by ſpecial licence from the chief officer of the port for that purpoſe, nor at any time without a permit from the collector for ſuch unlading or delivery; and if any goods, wares or merchandize ſhall be unladen or delivered from any ſuch ſhip or veſſel, contrary to the direction aforeſaid, or any of them, the maſter or perſon having the command or charge of ſuch ſhip or veſſel, and every other perſon who ſhall knowingly be concerned or aiding therein, or in removing, ſtoring, or otherwiſe ſecuring the ſaid goods, wares or merchandize, ſhall forfeit and pay the ſum of four hundred dollars for each offence; and ſhall be diſabled from holding any office of truſt or profit under the United States, for a term not exceeding ſeven years; and it ſhall be the duty of the collector of the diſtrict, to advertiſe the names of all ſuch perſons in a newſpaper, printed in the ſtate in which he reſides, within twenty days after each reſpective conviction. And all goods, wares

and goods to be forfeited.

or merchandize ſo unladen or delivered, ſhall become forfeited, and may be ſeized by any of the officers of the cuſtoms; and where the value thereof according to the higheſt market price of the ſame, ſhall amount to four hundred dollars, the veſſel, tackle, apparel and furniture, ſhall be ſubject to like ſeizure and forfeiture.

Goods removed before being weighed or guaged, alſo to be forfeited.

Sec. 28. *And be it further enacted*, That no goods, wares or merchandize brought in any ſhip or veſſel from any foreign port or place, requiring to be weighed or guaged in order to aſcertain the duties thereupon, ſhall be removed from any wharf or place upon which the ſame may be landed or put, before the ſame ſhall have been weighed or guaged, by or under the direction of a proper officer for that purpoſe; and if any ſuch goods, wares or merchandize ſhall be removed from ſuch wharf or place, unleſs with conſent of the proper officer, before the ſame ſhall have been ſo weighed or guaged, the ſame ſhall be forfeited, and may be ſeized by any officer of the cuſtoms.

Goods to be ſtored by the collector until the duties thereon are aſcertained.

Sec. 29. *And be it further enacted*, That all goods, wares or merchandize of which entry ſhall have been made, without ſpecification of particulars, ſhall be conveyed to ſome warehouſe or ſtore-houſe, to be deſignated by the collector, in the parcel or packages containing the ſame, under the care of ſome proper officer, until the particulars thereof ſhall be examined and aſcertained; agreeably to which the duties thereupon ſhall be finally adjuſted and ſatisfied. And in every caſe, if the amount of the duties eſtimated, or ſecured to be paid, ſhall exceed or fall ſhort of the true amount

of the duties on the goods, wares or merchandize imported, as the ſame ſhall be finally aſcertained, the difference ſhall be made good, or allowed where there ſhall be an exceſs, by return of the money, if paid, or credit on the bond which ſhall have been given for the ſame, if not paid; and where ſhall be a deficiency, by payment of ſuch deficiency to the ſaid collector.

Inſpectors to be put on board of veſſels until they are unladen,

Sec. 30. *And be it further enacted*, That it ſhall be lawful for the collector of any diſtrict at which any ſhip or veſſel may arrive, and for the ſurveyor of any port where any ſuch ſhip or veſſel may be, to put and keep on board ſuch ſhip or veſſel, while remaining within ſuch diſtrict, or in going from one diſtrict to another, one or more inſpectors to examine the cargo or contents of ſuch ſhip or veſſel, and to ſuperintend the delivery thereof, or of ſo much thereof as ſhall be delivered within the United States, and to perform ſuch other duties according to law, as they ſhall be directed by the ſaid collector or ſurveyor to perform for the better ſecuring the collection of the duties: *Provided*, That collectors only ſhall have power to put on board ſhips or veſſels, inſpectors to go from one diſtrict to another. And the ſaid inſpector or inſpectors ſhall make known to the perſon having the charge or command of ſuch ſhip or veſſel, the duties he or they is or are ſo to perform; and ſhall ſuffer no goods, wares or merchandize to be landed or unladen from ſuch ſhip or veſſel, without a proper permit for that purpoſe; and ſhall enter in a book to be by him or each of them kept, the name or names of the perſon or perſons in whoſe behalf ſuch permit was granted, together with the particulars therein ſpecified,

their duties,

and the marks, numbers, kinds and deſcriptions of the reſpective packages which ſhall be unladed purſuant thereto. And the wages or compenſation of ſuch inſpector or inſpectors in going from one diſtrict to another, ſhall be defrayed by the maſter or perſon having the charge of the veſſel in which they reſpectively go.

and wages.

Officers of the cuſtoms & revenue cutters to go on board of veſſels,

Sec. 31. *And be it further enacted*, That it ſhall be lawful for all collectors, naval-officers, ſurveyors, inſpectors, and the officers of the revenue cutters herein after mentioned, to go on board of ſhips or veſſels in any part of the United States, or within four leagues of the coaſt thereof, if bound to the United States, whether in or out of their reſpective diſtricts, for the purpoſes of demanding the manifeſts aforeſaid, and of examining and ſearching the ſaid ſhips or veſſels; and the ſaid officers reſpectively ſhall have free acceſs to the cabin, and every other part of a ſhip or veſſel: and if any box, trunk, cheſt, caſk, or other package, ſhall be found in the cabin, ſteerage or forecaſtle of ſuch ſhip or veſſel, or in any other place ſeparate from the reſidue of the cargo, it ſhall be the duty of the ſaid officer to take a particular account of every ſuch box, trunk, caſk or package, and the marks, if any there be, and a deſcription thereof; and if he ſhall judge proper to put a ſeal or ſeals on every ſuch box, cheſt, trunk, caſk or package; and ſuch account and deſcription ſhall be by him forwarded to the collector of the diſtrict to which ſuch ſhip or veſſel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, cheſts, caſks or packages ſo deſcribed, or any of them ſhall be miſſing, or

to demand manifeſts & ſearch.

if the ſeals put thereon be broken, the maſter or commander of ſuch ſhip or veſſel ſhall forfeit and pay for every ſuch box, trunk, cheſt, caſk or package ſo miſſing, or of which the ſeals ſhall be broken, two hundred dollars. And it ſhall alſo be lawful for the inſpectors who may be put on board of any ſhip or veſſel, to ſecure after ſunſet in each evening, the hatches and other communications with the hold of ſuch ſhip or veſſel, with locks or other proper faſtenings, which faſtenings ſhall not be opened, broken or removed, until the morning following, or after the riſing of the ſun, and in preſence of the inſpector or inſpectors by whom the ſame ſhall have been affixed, except by ſpecial licenſe from the chief officer of the port. And if the ſaid locks or other faſtenings, or any of them, ſhall be broken or removed during the night, or before the ſaid riſing of the ſun, or without the preſence of the ſaid inſpector or inſpectors, the maſter or perſon having the charge or command of ſuch ſhip or veſſel, ſhall forfeit and pay the ſum of two hundred dollars.

Packages miſſing ſubjecting the maſter to a penalty.

Hatches of reſpective veſſels to be ſecured after ſunſet.

and forfeiture for opening them in the night.

Sec. 32. *And be it further enacted*, That when the delivery of goods, wares or merchandize from on board of any ſuch ſhip or veſſel at any port ſhall have been completed, the accounts or entries which ſhall have been kept or made thereof by the officer or officers who ſhall have been charged with ſuperintending the ſaid deliveries, ſhall be reported to the collector of the diſtrict, who, together with the naval-officer, where there is one, or alone where there is none, ſhall compare the ſaid accounts and entries with the entry or entries which ſhall have been made by the owner or owners, conſignee or conſignees, his, her or

Report of the cargo delivered to be compared with the entry thereof

and result to be endorſed on the entry.

their factor or agent. And if any difference ſhall appear, the ſame ſhall be noted by endorſement on ſuch entry or entries, ſpecifying the particulars thereof; and if no difference ſhall appear, it ſhall be noted by like endorſement, that the deliveries have correſponded with the entry; which endorſement or memorandum ſhall in each caſe be ſubſcribed by the officer or officers by whom ſuch compariſon ſhall have been made, and by the officer or officers under whoſe inſpection the ſaid deliveries ſhall have been executed.

Goods to be taken by the collector 15 days after report made by maſter of veſſel,

Sec. 33. *And be it further enacted*, That if at the expiration of fifteen working days after the time within which the report of the maſter or perſon having the charge or command of any ſhip or veſſel, is required to be made to the collector of a diſtrict as aforeſaid, there ſhall be found on board any goods, wares or merchandize, other than ſhall have been reported for ſome other diſtrict or a foreign port or place, the ſaid inſpector or inſpectors ſhall take poſſeſſion thereof, and deliver the ſame to the order of the collector of the diſtrict, taking his receipt therefor, and giving a certificate thereof to the maſter or perſon having ſuch charge or command of ſuch ſhip or veſſel, deſcribing the packages and their marks and numbers. And the ſaid goods ſhall be kept with due and reaſonable care at the charge and riſk of the owner or owners for a term of nine months; and if within that time no claim be made for the ſame, the ſaid collector ſhall procure an appraiſement thereof by two or more reputable merchants, to be certified under their hands, and to remain with him, and ſhall afterwards cauſe the ſaid goods to be ſold at public auction, and retaining the duties and char-

who ſhall keep them 9 months, and if not then claimed, to have them appraiſed and ſold at auction, & pay the net proceeds into the treaſury of the United States;

ges thereon, ſhall pay the overplus, if any there be, into the treaſury of the United States, there to remain for the uſe of the owner or owners, who ſhall upon due proof of his, her or their property, be entitled to receive the ſame; and the receipt or certificate of the collector ſhall exonerate the maſter or commander from all claim of the owner. *Provided*, That where any entry ſhall have been duly made of ſuch goods, the ſame ſhall not be appraiſed; and that where ſuch goods are of a periſhable nature, they ſhall be ſold forthwith. *Provided further*, That the ſaid limitation of fifteen days ſhall not extend to ſhips or veſſels laden with ſalt or coal: but if the ſaid maſter or owner of any ſuch ſhip or veſſel requires longer time to diſcharge her cargo, the wages or compenſation of the inſpector for every day's attendance exceeding the ſaid fifteen days, ſhall be paid by the ſaid maſter or owner. And if by reaſon of the delivery of a cargo in different diſtricts, more than the ſaid term of fifteen working days ſhall in the whole be ſpent therein, the wages or compenſation of the inſpector or inſpectors who may be employed on board of any ſhip or veſſel, in reſpect to which the ſaid term may be ſo exceeded, ſhall for every day of ſuch exceſs be paid by the ſaid maſter or owner.

ſuch goods not to be appraiſed if entered, but ſold if of a periſhable nature.

Limitation of 15 days not to extend to veſſels laden with ſalt or coal,

and the extra wages of the inſpectors to be paid by the maſter.

Sec. 34. *And be it further enacted*, That if any package whatever, which ſhall have been reported as aforeſaid, ſhall be wanting and not found on board ſuch ſhip or veſſel, or if the goods on board the ſaid ſhip or veſſel ſhall otherwiſe not agree with the report of the maſter or other perſon having the charge or command of any ſuch ſhip or veſſel; in every ſuch caſe he ſhall forfeit and pay the ſum of

Packages reported miſſing, or diſagreement of the report with the cargo, ſubjecting the maſter to a penalty.

five hundred dollars. *Provided nevertheleſs*, That if it ſhall be made to appear to the ſatisfaction of the collector, naval-officer and ſurveyor, or the major part of them, where thoſe officers are eſtabliſhed at any port, or to the ſatisfaction of the collector alone where either of the ſaid other officers is not eſtabliſhed, or in caſe of trial for the ſaid penalty, to the ſatisfaction of the court, that no part of the cargo of ſuch ſhip or veſſel has been unſhipped ſince it was taken on board, except as ſhall have been ſpecified in the ſaid report, or that the ſaid diſagreement is by accident or miſtake; in ſuch caſe the penalty aforeſaid ſhall not be inflicted.

Allowances for the drafts and tare of articles.

Sec. 35. *And be it further enacted*, That the following allowances ſhall be made for the drafts and tare of the articles ſubject to duty by weight; that is to ſay: For draught on any quantity of one hundred weight, or one hundred and twelve pounds, and under, one pound; on any quantity above one, and not exceeding two hundred weight, two pounds; on any quantity above two, and not exceeding three hundred weight, three pounds; on any quantity above three, and not exceeding ten hundred weight, four pounds; on any quantity above ten, and not exceeding eighteen hundred weight, ſeven pounds; on any quantity above eighteen hundred weight, nine pounds: For tare, on every whole cheſt of bohea tea, ſeventy pounds; on every half-cheſt, thirty-ſix pounds; on every quarter-cheſt, twenty pounds; on every cheſt of hyſon or other green tea, the groſs weight of which ſhall be ſeventy pounds or upwards, twenty pounds; on every box of other tea, not leſs than fifty, or more than ſeventy pounds groſs,

eighteen pounds; on all other boxes of tea, according to the invoice thereof; on coffee in bags, two per cent. in bales, three per cent. in caſks, twelve per cent.; on pepper in bales, five per cent. in caſks, twelve per cent.; on ſugars, other than loaf ſugar, in caſks, twelve per cent. in boxes, fifteen per cent.; on all other goods, according to the invoice thereof. *Provided always*, That where the original invoices of any of the ſaid articles are produced, and the tare or tares appear therein, it ſhall be lawful, with the conſent of the importer or importers, conſignee or conſignees, to eſtimate the ſaid tare or tares according to ſuch invoice.

Allowance for leakage.

Sec. 36. *And be it further enacted*, That there ſhall be an allowance for leakage of two per cent. on the quantity which ſhall appear by the guage to be contained in any caſk of liquors ſubject to duty by the gallon.

Goods damaged during a voyage, or not accompanied with an invoice, to be appraiſed to aſcertain the duties,

Sec. 37. *And be it further enacted*, That if any goods, wares or merchandize, on which duties are payable, ſhall receive damage during the voyage, or ſhall not be accompanied with the original invoice of their coſt, it ſhall be lawful for the collector (and upon the requeſt of the party he is required) to appoint one merchant, and the owner or conſignee to appoint another, who being ſworn or affirmed by the collector, well and truly to appraiſe ſuch goods, ſhall appraiſe or value them accordingly, and the duties upon ſuch goods ſhall be eſtimated agreeably to ſuch appraiſement or valuation: And in reſpect to ſuch damaged articles as are charged with a ſpecific duty, by number, weight or meaſure, the ſaid appraiſers ſhall certify what in their judgment would have been their value, in caſe they had not been ſo damaged, and there ſhall be an abatement in the

duty in proportion to the difference in value. *Provided*, That if the owner or owners, conſignee or conſignees of ſuch goods not accompanied with an original invoice, ſhall chuſe to wait the receipt thereof, in ſuch caſe the ſaid collector ſhall take into his cuſtody the ſaid goods, and ſhall keep or cauſe the ſame to be kept with due and reaſonable care, at the expenſe and riſk of the party or parties, until the ſaid invoice ſhall arrive, or until the ſaid party or parties ſhall conſent to the valuation thereof.

and the latter kept by the collector until the invoice arrives, if the owner chuſes.

Ships or veſſels compelled by diſtreſs to make entry and proteſt,

Sec. 38. *And be it further enacted*, That if any ſhip or veſſel from any foreign port or place, compelled by diſtreſs of weather or other neceſſity, ſhall put into any port or place of the United States, not being deſtined for the ſame; and if the maſter or perſon having charge or command of ſuch ſhip or veſſel, together with the mate or perſon next in command, ſhall, within twenty-four hours after her arrival, make proteſt in the uſual form upon oath before a notary public, or other perſon duly authorized, or before the collector of the diſtrict where the ſaid ſhip or veſſel ſhall ſo arrive, who is hereby empowered to adminiſter the ſame, ſetting forth the cauſe and circumſtances of ſuch diſtreſs or neceſſity, and ſhall within forty-eight hours after ſuch arrival, make report to the ſaid collector, of the ſaid ſhip or veſſel and her cargo as in other caſes. And if it ſhall be made appear to the ſaid collector, by the certificate of the wardens of the port, or other officers uſually charged with, and accuſtomed to aſcertaining the condition of ſhips and veſſels arriving in diſtreſs, if any ſuch there be, or by the certificate of any two reputable merchants, to be named for that purpoſe by the ſaid collector, if no ſuch

and collector may grant a permit to unload their cargoes,

wardens or other officers there be, that there is a neceſſity for unlading the ſaid ſhip or veſſel, the ſaid collector ſhall grant a permit for that purpoſe, and ſhall appoint an inſpector or inſpectors to overſee ſuch unlading. And all goods ſo unladen ſhall be ſtored under the direction of the ſaid collector; who, upon requeſt of the maſter or other perſon having charge or command of ſuch ſhip or veſſel, or of the owner thereof, ſhall grant a licence to diſpoſe of ſuch part of the ſaid cargo as may be of a periſhable nature (if any there be) or as may be neceſſary to defray the expenſes attending ſuch ſhip or veſſel, and her cargo: *Provided*, That the duties thereupon be firſt paid. And the ſaid goods, or the remainder thereof, may afterwards be reladen on board the ſaid ſhip or veſſel, and the ſaid ſhip or veſſel may proceed with the ſame to the place of her deſtination, free from any other charge than for the ſtoring and ſafe-keeping of the ſaid goods.

which ſhall be ſtored under his direction, & the periſhable part ſold by his licenſe,

the duties being firſt paid, and the reſidue reladen.

Sec. 39. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares and merchandize at the place of importation, ſhall be eſtimated by adding twenty per cent. to the actual coſt thereof, if imported from the Cape of Good Hope, or from any place beyond the ſame; and ten per cent. on the actual coſt thereof if imported from any other place or country, excluſive of charges.

Rule for eſtimating the ad valorem rates of duty at the place of importation.

Sec. 40. *And be it further enacted*, That all foreign coins and currencies ſhall be eſtimated according to the following rates: Each pound ſterling of Great-Britain, at four dollars and forty-four cents; each livre tournois of France, at eighteen cents and an half; each

Rates of foreign coin & currency.

florin or guilder of the United Netherlands, at thirty-nine cents; each mark banco of Hamburg, at thirty-three cents and one third; each rix dollar of Denmark, at one hundred cents; each rial of plate of Spain, at ten cents; each milree of Portugal, at one dollar and twenty-four cents; each pound ſterling of Ireland, at four dollars ten cents; each tale of China, at one dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and an half; and all other denominations of money in value as near as may be to the ſaid rates.

Duties how to be paid or ſecured.

Sec. 41. *And be it further enacted*, That all duties on goods, wares and merchandize imported, ſhall be paid or ſecured to be paid, before a permit ſhall be granted for landing the ſame. And where the amount thereof on goods imported in any ſhip or veſſel, on account of one perſon only, or of ſeveral perſons jointly intereſted, ſhall not exceed fifty dollars, the ſame ſhall be immediately paid; but where the ſaid amount ſhall exceed fifty dollars, the ſame may, at the option of the proprietor or proprietors, conſignee or conſignees, be either immediately paid or ſecured by bond, with condition for the payment thereof, if accruing upon articles of the produce of the Weſt-Indies, in four months; if accruing on Madeira wines, in twelve months; if accruing upon any other goods, wares or merchandize, other than teas imported from China, in ſix months; which bond, at the like option of the ſaid proprietor or proprietors, conſignee or conſignees, ſhall either include one or more ſureties, to the ſatisfaction of the collector of the diſtrict where the ſaid duties ſhall accrue, or ſhall be accompanied with a depoſit

in the cuſtody of the ſaid collector, of ſo much of the ſaid goods, as ſhall in his judgment be a ſufficient ſecurity for the amount of the duties for which ſuch bond ſhall have been given, and the charge of the ſafe-keeping and ſale of the goods ſo depoſited; which depoſit ſhall and may be accepted in lieu of the ſaid ſurety or ſureties, and ſhall be kept by the ſaid collector, with due and reaſonable care, at the expenſe and riſk of the party or parties on whoſe account the ſame ſhall have been made, until the ſum ſpecified in ſuch bond ſhall have become due, at which time if ſuch ſum ſhall not be paid, ſo much of the ſaid depoſited goods as may be neceſſary, ſhall be ſold at public ſale, and the proceeds thereof, after deducting the charges of keeping and ſale, ſhall be applied to the payment of ſuch ſum, rendering the overplus and the reſidue of the ſaid goods, if any there be, to the perſon or perſons by whom ſuch depoſit ſhall have been made, or to his, her or their repreſentatives. *Provided*, That no perſon whoſe bond for the payment of duties is due and unſatisfied, ſhall be allowed a future credit for duties, until ſuch bond ſhall be fully paid or diſcharged.

Duties how to be paid or ſecured.

Sec. 42. *Provided always, and be it further enacted*, That all teas imported from China, may, at the option of the proprietor or conſignee thereof, be depoſited in the cuſtody of the collector with whom the ſame ſhall be entered, or the duties thereon ſecured by bond, with one or more ſureties, to the ſatisfaction of the collector, with condition for the payment of ſuch duties within twelve months; and in caſe of depoſiting ſuch teas, they ſhall be kept at the charge of the perſon or perſons depoſiting the ſame. And the collector ſhall

Teas imported from China may be depoſited in cuſtody of collector on certain conditions.

deliver ſuch teas, or part thereof, from time to time, to the perſon or perſons depoſiting the ſame, or to his or their order, on payment of the duties for ſuch part as may be ſo delivered, and not otherwiſe; and in caſe the whole of the duties ſhall not be paid within eighteen months from the time of the entry made, it ſhall be the duty of the ſaid collector to ſell at public auction ſo much of the ſaid teas as ſhall be ſufficient to pay the duties then due, together with the charges of ſale and ſafe keeping, and to return the overplus to the perſon or perſons who ſhall have depoſited ſuch teas, or his, her or their repreſentatives; and for ſuch teas as have been imported from China in the preſent year, the owner or conſignee thereof ſhall be entitled to depoſit the ſame, or to give bond, payable in like manner, and under like regulations, as are herein before directed for teas which ſhall hereafter be imported, notwithſtanding the duties on ſuch teas may have been already ſecured to be paid.

Duties on tonnage to be paid within ten days after report has been made.

Sec. 43. *And be it further enacted*, That the duties impoſed by law on the tonnage of any ſhip or veſſel, ſhall be paid to the collector by the maſter or perſon having the charge or command of ſuch ſhip or veſſel, within ten days after his report to the ſaid collector; and before ſuch ſhip or veſſel ſhall be permitted to clear out; the regiſter of which ſhip or veſſel ſhall at the time of entry be lodged in the office of the collector, and there remain until ſuch clearance. And if any ſhip or veſſel ſhall leave, or attempt to leave any diſtrict of the United States, without paying the ſaid duties, the maſter or perſon having the charge or command of the ſame ſhall forfeit and pay five hundred dollars.

Sec. 44. *And be it further enacted*, That to aſcertain the tonnage of any ſhip or veſſel, the ſurveyor, or ſuch other perſon as ſhall be appointed by the collector of the diſtrict to meaſure the ſame, ſhall, if the ſaid ſhip or veſſel be double decked, take the length thereof from the fore part of the main ſtem to the after part of the ſtern poſt above the upper deck; the breadth thereof at the broadeſt part above the main wales, half of which breadth ſhall be accounted the depth of ſuch veſſel, and ſhall then deduct from the length three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and ſhall divide this laſt product by ninety-five, the quotient whereof ſhall be deemed the true contents or tonnage of ſuch ſhip or veſſel. And if ſuch ſhip or veſſel be ſingle decked, the ſaid ſurveyor or other perſon ſhall take the length and breadth as above directed, in reſpect to a double decked ſhip or veſſel, ſhall deduct from the ſaid length three fifths of the breadth, and taking the depth from the under ſide of the deck plank to the cieling in the hold, ſhall multiply and divide as aforeſaid, and the quotient ſhall be deemed the tonnage of ſuch ſhip or veſſel.

Mode of aſcertaining the tonnage of any veſſel.

Sec. 45. *And be it further enacted*, That where any bond for the payment of duties ſhall not be ſatisfied on the day it became due, the collector ſhall forthwith cauſe a proſecution to be commenced for the recovery of the money thereon, by action or ſuit at law, in the proper court having cognizance thereof; and in all caſes of inſolvency, or where any eſtate in the hands of executors or adminiſtrators ſhall be inſufficient to pay all the debts due from

Bond for duties, how to be proſecuted.

the deceaſed, the debt due to the United States, on any ſuch bond, ſhall be firſt ſatisfied.

Goods entered and not truly invoiced, to be forfeited.

Sec. 46. *And be it further enacted*, That if any goods, wares or merchandize, of which entry ſhall have been made in the office of a collector, ſhall not be invoiced according to the actual coſt thereof at the place of exportation, with deſign to evade the duties thereupon, or any part thereof, all ſuch goods, wares or merchandize, or the value thereof, to be recovered of the perſon making entry, ſhall be forfeited. And in every caſe in which the ſaid collector ſhall ſuſpect that any ſuch goods, wares or merchandize, are not invoiced at a ſum equal to that for which they have uſually been ſold in the place or country from whence they were imported, it ſhall be the duty of ſuch collector to take the ſaid goods, wares and merchandize into his poſſeſſion, and retain the ſame, with reaſonable care, at the riſk and expenſe of the owner or owners, conſignee or conſignees thereof, until their value at the time and place of importation ſhall be aſcertained by two reputable merchants, to be choſen and appointed as in the caſe of damaged goods, or goods not accompanied with an invoice; and until the duties ariſing according to ſuch valuation ſhall be firſt paid, or ſecured to be paid, as required by this act in other caſes of importation: *Provided*, That in caſe of a proſecution for the forfeiture aforeſaid, ſuch appraiſement ſhall not be conſtrued to exclude other proof upon the trial, of the actual and real coſt of the ſaid goods at the ſaid place of exportation.

How to be aſcertained.

Officers ſuſpecting fraud may examine packages.

Sec. 47. *And be it further enacted*, That it ſhall be lawful for the collector or other officer of the cuſtoms, after entry made of any goods, wares or merchandize, on ſuſpicion of

fraud, to open and examine in the preſence of two or more reputable merchants, any package or packages thereof; and if upon examination they ſhall be found to agree with the entries, the officer making ſuch ſeizure ſhall cauſe the ſame to be repacked, and delivered to the owner or claimant forthwith; and the expenſe of ſuch examination ſhall be paid by the ſaid collector or other officer, and allowed in the ſettlement of his accounts; but if any of the packages ſo examined ſhall be found to differ in their contents from the entry, then the goods, wares or merchandize contained in ſuch package or packages ſhall be forfeited: *Provided*, That the ſaid forfeiture ſhall not be incurred, if it ſhall be made appear to the ſatisfaction of the collector and naval-officer of the diſtrict where the ſame ſhall happen, if there be a naval-officer, and if there be no naval-officer, to the ſatisfaction of the ſaid collector, or of the court in which a proſecution for the forfeiture ſhall be had, that ſuch difference proceeded from accident or miſtake, and not from an intention to defraud the revenue.

Dutiable goods concealed, how to be ſearched for and ſecured.

Sec. 48. *And be it further enacted*, That every collector, naval-officer and ſurveyor, or other perſon ſpecially appointed by either of them for that purpoſe, ſhall have full power and authority to enter any ſhip or veſſel in which they ſhall have reaſon to ſuſpect any goods, wares or merchandize ſubject to duty ſhall be concealed; and therein to ſearch for, ſeize and ſecure any ſuch goods, wares or merchandize. And if they ſhall have cauſe to ſuſpect a concealment thereof in any particular dwelling-houſe, ſtore, building or other place, they or either of them ſhall upon application on oath to any juſtice of the peace, be entitled

to a warrant to enter ſuch houſe, ſtore or other place (in the day time only) and there to ſearch for ſuch goods, and if any ſhall be found, to ſeize and ſecure the ſame for trial: and all ſuch goods, wares and merchandize, on which the duties ſhall not have been paid or ſecured, ſhall be forfeited.

Collector to take cuſtody of goods ſeized.

Sec. 49. *And be it further enacted*, That all goods, wares and merchandize which ſhall be ſeized by virtue of this act, ſhall be put into and remain in the cuſtody of the collector or ſuch other perſon as he ſhall appoint for that purpoſe, until ſuch proceedings ſhall be had as by this act are required, to aſcertain whether the ſame have been forfeited or not; and if it ſhall be adjudged that they are not forfeited they ſhall be forthwith reſtored to the owner or owners, claimant or claimants thereof. And

Penalty for concealing or buying goods ſubject to duty.

if any perſon or perſons ſhall conceal or buy any goods, wares or merchandize, knowing them to be liable to ſeizure by this act, ſuch perſon or perſons ſhall, on conviction thereof, forfeit and pay a ſum double the value of the goods ſo concealed or purchaſed.

Officers may make ſeizure in any diſtrict.

Sec. 50. *And be it further enacted*, That it ſhall be the duty of the ſeveral officers of the cuſtoms to make ſeizure of, and ſecure any ſhip or veſſel, goods, wares or merchandize, which ſhall be liable to ſeizure by virtue of this act, as well without as within their reſpective diſtricts.

Officers ſued or moleſted may plead this act.

Sec. 51. *And be it further enacted*, That if any officer or other perſon, executing or aiding and aſſiſting in the ſeizure of goods, ſhall be ſued or moleſted for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or juſtice purſuant to law, ſuch officer or other

perſon may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if in ſuch ſuit the plaintiff be non-ſuited, or judgment paſs againſt him, the defendant ſhall recover double coſt; and in actions, ſuits or information to be brought, where any ſeizure ſhall be made purſuant to this act, if the property be claimed by any perſon, in every ſuch caſe the *onus probandi* ſhall be upon ſuch claimant. And if any perſon ſhall forcibly reſiſt, prevent or impede any officer of the cuſtoms, or their deputies, or any perſon aſſiſting them in the execution of their duty, ſuch perſon ſo offending, ſhall for every offence be fined in a ſum not exceeding four hundred dollars.

Penalty for impeding officers in the execution of their duty.

Sec. 52. *And be it further enacted*, That every collector, naval-officer and ſurveyor ſhall, within three months after he enters upon the execution of his office, give bond with one or more ſufficient ſureties, to be approved of by the comptroller of the treaſury of the United States, and payable to the ſaid United States, with condition for the true and faithful diſcharge of the duties of his office according to law; that is to ſay: The collector of Philadelphia, in the ſum of ſixty thouſand dollars: The collector of New-York, fifty thouſand dollars: The collector of Boſton and Charleſtown, forty thouſand dollars: The collectors of Baltimore, and Charleſton, thirty thouſand dollars each: The collector of Norfolk and Portſmouth, fifteen thouſand dollars: The collectors of Portſmouth in New-Hampſhire, of Salem and Beverly, Wilmington in the ſtate of Delaware, Annapolis, Georgetown in Maryland, Bermuda-hundred and City-point, Alexandria, Wilmington, Newbern and Edenton in

Collectors, naval-officers & ſurveyors to enter into bonds for performance of duty.

the ſtate of North-Carolina, Newport and Providence in the ſtate of Rhode-Iſland and Providence Plantations, ten thouſand dollars each: The collectors of Newburyport, Glouceſter, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New-London, New-Haven, Fairfield, Perth-Amboy, Yorktown, Dumfries, Waſhington and Cambden, Georgetown in South-Carolina, Beaufort, and Savannah, each five thouſand dollars: And all the other collectors in the ſum of two thouſand dollars each. The naval-officers for the ports of Boſton and Charleſtown, New-York, Philadelphia, Baltimore, and Charleſton, ten thouſand dollars each; and all the other naval-officers in the ſum of two thouſand dollars each. The ſurveyors of the ports of Boſton and Charleſtown, New-York, Philadelphia, Baltimore, and Charleſton, five thouſand dollars each; and all other ſurveyors one thouſand dollars each. Which bonds ſhall be filed in the office of the ſaid comptroller, and be by him ſeverally put in ſuit for the benefit of the United States, upon any breach of the condition thereof. And as no proviſion has been heretofore ſpecially made concerning the officers of the cuſtoms who may have been heretofore appointed in and for the ſtates of North-Carolina, and Rhode-Iſland and Providence Plantations; the ſaid officers reſpectively ſhall, within four months after the paſſing of this act, give bond with proper ſurety or ſureties, in conformity to the proviſion aforeſaid.

Their fees of office & per centage.

Sec. 53. *And be it further enacted*, That there ſhall be allowed and paid to the collectors, naval-officers and ſurveyors to be appointed purſuant to this act, the fees and per centage following; that is to ſay: To each

collector for every entrance of any ſhip or veſſel of one hundred tons burthen or upwards, two dollars and an half; for every clearance of any ſhip or veſſel of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ſhip or veſſel under the burthen of one hundred tons, one dollar and an half; for every clearance of a ſhip or veſſel under one hundred tons burthen, one dollar and an half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (regiſters excepted) required by the owner or maſter of any veſſel not before enumerated, twenty cents: and where a naval-officer is appointed to the ſame port, the ſaid fees ſhall be equally divided between the collector and the ſaid naval-officer, the latter paying one third of the expence of neceſſary ſtationary, and of the rent of an office to be provided by the collector, at the place aſſigned for his reſidence, and as conveniently as may be for the trade of the diſtrict: and all fees ſhall, at the option of the collector, be either received by him or by the naval-officer, the party receiving to account monthly with the other for his proportion or ſhare thereof. To each ſurveyor for the admeaſurement of every ſhip or veſſel of one hundred tons and under, one cent per ton; for the admeaſurement of every ſhip or veſſel, above one hundred tons, and not exceeding two hundred tons, one hundred and fifty cents; for the admeaſurement of every ſhip or veſſel above two hundred tons,

Fees of collectors, naval-officers and ſurveyors.

Inſpectors, meaſurers, weighers and guagers, their pay & fees.

two hundred cents; for all other ſervices by this act to be performed by ſuch ſurveyor, on board any ſhip or veſſel of one hundred tons and upwards, and having on board goods, wares and merchandize ſubject to duty, three dollars; for the like ſervices on board any ſhip or veſſel of leſs than one hundred tons burthen, having on board goods, wares and merchandize ſubject to duty, one and an half dollar; on all veſſels not having on board goods, wares and merchandize ſubject to duty, two thirds of a dollar; all which fees ſhall be paid by the maſter or owner of the ſhip or veſſel in which the ſaid ſervices ſhall be performed, to the ſurveyor by whom they ſhall be performed, if performed by one only for his ſole benefit, but if performed by more than one, to him who ſhall have the firſt agency, to be divided in equal parts between him and the other or others by whom the ſaid ſervices ſhall be performed. To each inſpector there ſhall be allowed for every day he ſhall be actually employed in aid of the cuſtoms, a ſum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the United States. To the meaſurers, weighers and guagers reſpectively, to be paid by the collector out of the revenue for the meaſurement of every one hundred buſhels of grain, thirty cents; for the meaſurement of every one hundred buſhels of ſalt, forty cents; for the meaſurement of every one hundred buſhels of coal, fifty cents; for the weighing of every one hundred and twelve pounds, two cents; for the guaging and marking of every caſk (to be marked in durable characters with his own name and the quantity) eight cents; for computing the contents

of, and (if requeſted by the party) marking caſes containing diſtilled ſpirits and wines, three cents per caſe; for counting the number of bottles of cyder, beer, ale or porter, one cent per dozen; and in proportion for any greater or leſs quantity. There ſhall moreover be allowed to the collectors of the diſtricts of New-York and Philadelphia, three fourths of one per centum on the amount of all monies by them reſpectively received on account of duties; and to the collector of each of the other diſtricts by this act eſtabliſhed, one per centum on the amount of all monies by them reſpectively received on the ſaid account of duties.

And whereas the allowances aforeſaid will not afford an adequate compenſation to the officers herein after mentioned, by reaſon of the ſmall proportion of buſineſs done at the ports to which they reſpectively belong, although the ſaid officers are neceſſary to the accomodation of the inhabitants, the facility of commerce, and the ſecurity of the revenue. Therefore,

Special allowance to revenue officers of certain ports.

Sec. 54. *Be it further enacted*, That in addition to the fees and emoluments which ſhall accrue to the ſaid officers from the proviſions aforeſaid, they ſhall ſeverally have and be entitled to the reſpective allowances following; to wit: The collector of the diſtricts of Saint Mary's in the ſtate of Georgia, Brunſwick, Beaufort, South Quay, Cherryſtone, Folly Landing, Annapolis, Yeocomico, Saint Mary's, Oxford, Sagg-Harbour, Paſſamaquody, the yearly ſum of one hundred dollars each. The collectors of the diſtricts of Sunbury and Penobſcot in Maſſachuſetts, the yearly ſum of ſixty dollars each. The collectors of the diſtricts of Hampton, Snowhill, Bridgetown,

Burlington, Frenchman's-Bay, and Edgartown, the yearly ſum of fifty dollars each. The ſurveyors of the ports of Frederickſburg, Smithfield, Port-Royal, Suffolk, Weſt-Point, Richmond, Peterſburg and Little Egg-Harbour, the yearly ſum of eighty dollars each. The ſurveyors of the ports of Swanſborough, Urbanna, Town-Creek, Albany, Hudſon, Stonington, Eaſt-Greenwich, and Glouceſter, fifty dollars each.

Collectors, naval officers & ſurveyors to ſet up table of fees.

Sec. 55. *And be it further enacted*, That every collector, naval-officer, and ſurveyor, ſhall cauſe to be affixed and conſtantly kept in ſome public and conſpicuous place of his office, a fair table of the rates of fees and duties demandable by law, and ſhall give a receipt for the fees he ſhall receive, ſpecifying the particulars; and in caſe of failure therein, ſhall forfeit and pay one hundred dollars, to be recovered with coſts, in any court having cognizance thereof, to the uſe of the informer; and if any officer of the cuſtoms ſhall demand or receive any greater or other fee, compenſation or reward, for executing any duty or ſervice required of him by law, he ſhall forfeit and pay two hundred dollars for each offence, recoverable in manner aforeſaid for the uſe of the party grieved.

Penalty for demanding greater or other fees.

Rates of coin for receiving duties & fees.

Sec. 56. *And be it further enacted*, That the duties and fees to be collected by virtue of this act, ſhall be payable in gold or ſilver coin, at the following rates; that is to ſay: The gold coins of France, England, Spain and Portugal, and all other gold coins of equal fineneſs, at eighty-nine cents for every pennyweight: The Mexican dollar at one hundred cents: the crown of France at one dollar and eleven cents; the crown of England at one dollar

and eleven cents; all ſilver coin of equal fineneſs, at one dollar and eleven cents per ounce; and cut ſilver of equal fineneſs, at one dollar and ſix cents per ounce.

Drawbacks where payable.

Sec. 57. *And be it further enacted*, That all the drawbacks allowed by law on the exportation of goods, wares and merchandize imported, ſhall be paid or allowed by the collector at whoſe office the ſaid goods, wares and merchandize were originally entered, and not otherwiſe, retaining one per centum for the benefit of the United States. And that the allowances on dried and pickled fiſh of the fiſheries of the United States, and on ſalted proviſions of the United States, ſhall be paid by the collector of the diſtrict from which the ſame ſhall be exported, without any deduction or abatement.

and how to be allowed.

Sec. 58. *Provided always, and be it further enacted*, That in order to entitle the exporter or exporters of any goods, wares or merchandize, to the benefit of the ſaid drawbacks or allowances, he or ſhe ſhall, previous to putting or lading the ſame on board of any ſhip or veſſel for exportation, give twenty-four hours notice at leaſt to the collector of the diſtrict from which the ſame are about to be exported, of his, her or their intention to export the ſame, and of the particulars thereof, and of the caſks, caſes, cheſts, boxes and other packages or parcels containing the ſame, or of which the ſame conſiſt, and of their reſpective marks, numbers and contents, and if imported articles, of the ſhip or ſhips, veſſel or veſſels in which the perſon or perſons for or by whom, and the place or places from which they were imported. And in reſpect to the ſaid imported articles proof ſhall be made to

the ſatisfaction of the ſaid collector, by the oaths of the perſon or perſons (including the ſaid exporter or exporters) through whoſe hands the ſaid articles ſhall have paſſed, according to the beſt of their knowledge and belief, reſpecting the due importation of the ſaid articles according to law, and in conformity to ſuch notice of their identity, and of the payment or ſecuring the payment of the duties thereupon. And in reſpect to the ſaid dried and pickled fiſh and ſalted proviſions, proof ſhall be made to the ſatisfaction of the ſaid collector, according to the circumſtances of the caſe, that the ſame, if fiſh, are of the fiſheries of the United States; if ſalted proviſions, were ſalted within the United States. And the ſaid collector ſhall inſpect or cauſe to be inſpected, the goods, wares or merchandize ſo notified for exportation; and if they ſhall be found to correſpond with the notice and proof concerning the ſame, the ſaid collector ſhall grant a permit for lading the ſame on board the ſhip or veſſel named in ſuch notice, which lading ſhall be performed under the ſuperintendance of the officer by whom the ſame ſhall have been ſo inſpected. And the ſaid exporter or exporters ſhall alſo make oath that the ſaid goods ſo noticed for exportation, and laden on board the ſaid ſhip or veſſel, are truly intended to be exported to the place whereof notice ſhall have been given, and are not intended to be relanded within the United States; and ſhall give bond, with one or more ſureties to the ſatisfaction of the ſaid collector, in a ſum equal to the amount of the drawbacks or allowances on ſuch goods, with condition that the ſaid goods, or any part thereof, ſhall not be relanded in any port or place

Drawbacks how to be allowed.

within the limits of the United States as ſettled by the late treaty of peace.

And provided further, That the ſaid drawbacks or allowances ſhall not be paid until at leaſt ſix months after the exportation of the ſaid goods, and until the ſaid exporter or exporters ſhall produce to the collector with whom ſuch outward entry is made, a certificate in writing of two reputable merchants at the foreign port or place in which the ſame were landed, together with the oath of the maſter and mate of the veſſel in which they were exported, certifying the delivery thereof. But in caſe any veſſel ſhall be caſt away, or meet with ſuch unavoidable accidents as to prevent the landing ſuch goods, a proteſt in due form of law, made by the maſter and mate, or ſome of the ſeamen, or in caſe no ſuch proteſt can be had, then the oath of the exporter or exporters, or one of them, ſhall be received in lieu of the other proofs herein directed, unleſs there ſhall be good reaſon to ſuſpect the truth of ſuch oath, in which caſe it ſhall and may be lawful for the collector to require ſuch farther proof as the nature of the caſe may demand.

Exportation of goods entitled to drawback, how to be proved.

Provided laſtly, That no goods, wares or merchandize imported, ſhall be entitled to a drawback of the duties paid or ſecured to be paid thereon, unleſs ſuch duties ſhall amount to twenty dollars at leaſt; nor unleſs they ſhall be exported in the ſame caſks, caſes, cheſts, boxes or other packages, and from the diſtrict or port into which they were originally imported.

No drawback allowed, unleſs it amounts to twenty dollars;

Sec. 59. *And be it further enacted*, That the ſums allowed to be paid by law on the exportation of dried or pickled fiſh, and of ſalted

nor on pickled fish, &c. except it amount to three dollars.

proviſions, ſhall not be paid unleſs the ſame ſhall amount to three dollars at leaſt upon one entry.

Goods entitled to drawback or allowance, to be forfeited if landed after entry made.

Sec. 60. *And be it further enacted*, That if any goods, wares or merchandize, entered for exportation, with intent to draw back the duties, or to obtain any allowance given by law on the exportation thereof, ſhall be landed in any port or place within the limits of the United States as aforeſaid, all ſuch goods, wares and merchandize, ſhall be ſubject to ſeizure and forfeiture, together with the ſhip or veſſel from which ſuch goods ſhall be landed, and the veſſels or boats uſed in landing the ſame; and all perſons concerned therein, ſhall on indictment and conviction thereof, ſuffer impriſonment for a term not exceeding ſix months. And for diſcovery of frauds, and ſeizure of goods, wares and merchandize, relanded contrary to law, the ſeveral officers eſtabliſhed by this act, ſhall have the ſame powers, and in caſe of ſeizure the ſame proceedings ſhall be had, as in the caſe of goods, wares and merchandize imported contrary to law: And for meaſuring, weighing or gauging goods for exportation, the ſame fees ſhall be allowed as in like caſes upon the importation thereof.

Collectors may give further credit on bonds in caſes of exportation.

Sec. 61. *And be it further enacted*, That if any goods, the duties upon which ſhall have been ſecured by bond, ſhall be re-exported by the importer or importers thereof, and if the ſaid bond ſhall become due before the expiration of the time herein before limited for payment of the drawback upon ſuch goods, it ſhall be lawful for the collector of the diſtrict from which the ſaid goods ſhall have been exported, to give farther credit for ſo

much of the ſum due upon ſuch bond, as ſhall be equal to the amount of the ſaid drawback, until the expiration of the ſaid time limited for payment thereof.

And the better to ſecure the collection of the ſaid duties,

Sec. 62. *Be it further enacted*, That the Preſident of the United States be empowered to cauſe to be built and equipped, ſo many boats or cutters, not exceeding ten, as may be neceſſary to be employed for the protection of the revenue, the expenſe whereof ſhall not exceed ten thouſand dollars, which ſhall be paid out of the product of the duties on goods, wares and merchandize, imported into the United States, and on the tonnage of ſhips or veſſels. Preſident may order cutters to be built.

Sec. 63. *And be it further enacted*, That there ſhall be to each of the ſaid boats or cutters, one maſter, and not more than three mates, firſt, ſecond, and third, four mariners and two boys; and that the compenſations and allowances to the ſaid officers, mariners and boys reſpectively, ſhall be, to the maſter thirty dollars per month, and the ſubſiſtence of a captain in the army of the United States; to a firſt mate twenty dollars per month, to a ſecond mate ſixteen dollars per month, to a third mate fourteen dollars per month, and to every mate the ſubſiſtence of a lieutenant in the ſaid army; to each mariner eight dollars per month, to each boy four dollars per month; and to each mariner and boy the ſame ration of proviſions which is or ſhall be allowed to a ſoldier in the ſaid army. The ſaid allowances for ſubſiſtence to be paid in proviſions or mo- How to be officered & manned. Pay of officers, &c.

ney at the contract prices, at the option of the Secretary of the Treasury.

and to be appointed by the President.

Sec. 64. *And be it further enacted*, That the officers of the said boats or cutters, shall be appointed by the President of the United States, and shall respectively be deemed officers of the customs, and shall have power and authority to go on board of every ship or vessel which shall arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and to search and examine the same and every part thereof, and to demand, receive and certify the manifests herein before required to be on board of certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the holds of ships or vessels, and to remain on board the said ships or vessels until they arrive at their places of destination.

Their duty.

Collectors may employ row boats.

Sec. 65. *And be it further enacted*, That the collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail boats in each district, together with the requisite number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships and vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of duties.

Penalty on officers receiving a bribe or conniving at a false entry.

Sec. 66. *And be it further enacted*, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompense for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandize, and shall be

thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense or reward for any such deception, collusion or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence. And in all cases where an oath is by this act required from a master or other person having command of a ship or vessel, or from an owner or consignee of goods, wares and merchandize, his or her factor or agent, if the person so swearing shall swear falsly, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

On masters of vessels or others who shall take a false oath.

Sec. 67. *And be it further enacted*, That all penalties accruing by any breach of this act, shall be sued for and recovered with costs of suit, in the name of the United States of America, in any court proper to try the same, and the trial of any fact which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, is hereby authorized and directed to cause suits for the same to be commenced and prosecuted to effect, and to receive, distribute and pay the sum or sums recovered, after first deducting all necessary costs and charges, according to law. And that all ships or vessels, goods, wares or merchandize, which shall become forfeited by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in

Mode of prosecuting & recovering penalties & forfeitures.

Mode of profecuting & recovering penalties & forfeitures.

the proper court having cognizance thereof; which court ſhall cauſe fourteen days notice to be given of ſuch ſeizure and libel, by cauſing the ſubſtance of ſuch libel, with the order of the court thereon, ſetting forth the time and place appointed for trial, to be inſerted in ſome newſpaper, publiſhed near the place of ſeizure, and alſo by poſting up the ſame in the moſt public manner for the ſpace of fourteen days, at or near the place of trial, for which advertiſement a ſum not exceeding ten dollars ſhall be paid; and proclamation ſhall be made in ſuch manner as the court ſhall direct; and if no perſon ſhall appear to claim ſuch ſhip or veſſel, goods, wares or merchandize, the ſame ſhall be adjudged to be forfeited; but if any perſon ſhall appear before ſuch judgment of forfeiture, and claim any ſuch ſhip or veſſel, goods, wares or merchandize, and ſhall give bond to defend the proſecution thereof, and to reſpond the coſt in caſe he ſhall not ſupport his claim, the court ſhall proceed to hear and determine the cauſe according to law: And upon the prayer of any claimant to the court, that any ſhip or veſſel, goods, wares or merchandize ſo ſeized and proſecuted, or any part thereof ſhould be delivered to ſuch claimant, it ſhall be lawful for the court to appoint three proper perſons to appraiſe ſuch ſhip or veſſel, goods, wares or merchandize, who ſhall be ſworn in open court for the faithful diſcharge of their duty; and ſuch appraiſement ſhall be made at the expence of the party on whoſe prayer it is granted; and on the return of ſuch appraiſement, if the claimant ſhall, with one or more ſureties, to be approved of by the court, execute a bond in the uſual form, to the United States, for

the payment of a ſum, equal to the ſum at which the ſhip or veſſel, goods, wares or merchandize, ſo prayed to be delivered, be appraiſed, the court ſhall by rule, order ſuch ſhip or veſſel, goods, wares or merchandize, to be delivered to the ſaid claimant, and the ſaid bond ſhall be lodged with the proper officer of the court; and if judgment ſhall paſs in favor of the claimant, the court ſhall cauſe the ſaid bond to be cancelled; but if judgment ſhall paſs againſt the claimant, as to the whole or any part of ſuch ſhip or veſſel, goods, wares or merchandize, and the claimant ſhall not within twenty days thereafter, pay into the court the amount of the appraiſed value of ſuch ſhip or veſſel, goods, wares or merchandize ſo condemned, with the coſts, the bond ſhall be put in ſuit. And when any proſecution ſhall be commenced on account of the ſeizure of any ſhip or veſſel, goods, wares or merchandize, and judgment ſhall be given for the claimant or claimants; if it ſhall appear to the court before whom ſuch proſecution ſhall be tried, that there was a reaſonable cauſe of ſeizure, the ſame court ſhall cauſe a proper certificate or entry to be made thereof, and in ſuch caſe the claimant ſhall not be entitled to coſts, nor ſhall the perſon who made the ſeizure, or the proſecutor be liable to action, ſuit or judgment, on account of ſuch ſeizure or proſecution: *Provided*, That the ſhip or veſſel, goods, wares or merchandize, be after judgment, forthwith returned to ſuch claimant or claimants, his, her or their agents: *And provided*, That no action or proſecution ſhall be maintained in any caſe under this act, unleſs the ſame ſhall have been commenced, with-

Mode of proſecuting & recovering penalties & forfeitures.

in three years next after the penalty or forfeiture was incurred.

Veſſels or goods condemned, how to be ſold.

Sec. 68. *And be it further enacted*, That all ſhips, veſſels, goods, wares or merchandize, which ſhall be condemned by virtue of this act, ſhall be ſold by the proper officer of the court in which ſuch condemnation ſhall be had, to the higheſt bidder at public auction, by order of ſuch court, and at ſuch place as the court may appoint, giving at leaſt fifteen days notice (except in caſe of periſhable goods) in one or more of the public newſpapers of the place where ſuch ſale ſhall be, or if no paper is publiſhed in ſuch place, in one or more of the papers publiſhed in the neareſt place thereto, for which advertiſing a ſum not exceeding five dollars ſhall be paid.

Appropriation of fines, penalties & forfeitures.

Sec. 69. *And be it further enacted*, That all penalties, fines and forfeitures, recovered by virtue of this act, (and not otherwiſe appropriated) ſhall, after deducting all proper coſts and charges, be diſpoſed of as follows: One moiety ſhall be for the uſe of the United States, and paid into the treaſury thereof; the other moiety ſhall be divided into equal parts, and paid to the collector and naval-officer of the diſtrict, and ſurveyor of the port wherein the ſame ſhall have been incurred, or to ſuch of the ſaid officers as there may be in the ſaid diſtrict; and in diſtricts where only one of the aforeſaid officers ſhall have been eſtabliſhed, the ſaid moiety ſhall be given to ſuch officer: *Provided nevertheleſs*, That in all caſes where ſuch penalties, fines and forfeitures ſhall be recovered in purſuance of information given to ſuch collector, by any perſon other than the naval-officer or ſurveyor of the diſtrict, the one half of ſuch moiety ſhall be given to the in-

former, and the remainder thereof shall be disposed of between the collector, naval-officer and surveyor or surveyors, in manner aforesaid.

Duriable goods of foreign growth or manufacture brought into the United States, except by sea, and in certain vessels, subject to forfeiture.

Sec. 70. *And be it further enacted*, That no goods, wares or merchandize of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burthen, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares or merchandize brought in, landed or unladen, in any other manner. And all goods, wares and merchandize brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses and oxen that shall be employed in conveying the same; provided nothing herein shall be construed to extend to household furniture and cloathing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

Collectors may act by deputies.

Sec. 71. *And be it further enacted*, That all matters by this act directed to be done to or by the collector of a district, shall and may be done to and by the person who in the cases specified in this act is or may be authorized to act in the place or stead of the said collector.

Affirmation may be taken instead of an oath.

Sec. 72. *And be it further enacted*, That wherever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

Veſſels bound to foreign ports to deliver manifeſts of their cargoes.

Sec. 73. *And be it further enacted*, That the maſter or perſon having the charge or command of a ſhip or veſſel bound to a foreign port or place, ſhall deliver to the collector of the diſtrict from which ſuch ſhip or veſſel ſhall be about to depart, a manifeſt of the cargo on board the ſame, and ſhall make oath or affirmation to the truth thereof, whereupon the ſaid collector ſhall grant a clearance for the ſaid ſhip or veſſel, and her cargo, but without ſpecifying the particulars thereof, unleſs required by the ſaid maſter or perſon having ſaid charge or command. And if any ſhip or veſſel bound to a foreign port or place, ſhall depart on her voyage to ſuch foreign port or place without ſuch clearance, the ſaid maſter or perſon having the ſaid charge or command, ſhall forfeit and pay the ſum of two hundred dollars for ſuch offence.

Penalty for neglect of clearance.

Former acts repealed.

Sec. 74. *And be it further enacted*, That after the firſt day of October next, the act, intituled, "An act to regulate the collection of the duties impoſed by law on the tonnage of ſhips or veſſels, and on goods, wares and merchandizes imported into the United States," and alſo all other acts or parts of acts coming within the purview of this act, ſhall be repealed, and thenceforth ceaſe to operate, except as to the continuance of the officers appointed in purſuance of the ſaid act; except alſo as to the recovery and receipt of ſuch duties on goods, wares and merchandize, and on the tonnage of ſhips or veſſels, as ſhall have accrued, and as to the payment of drawbacks and allowances in lieu thereof, upon the exportation of goods, wares or merchandize which ſhall have been imported, and as to the recovery and diſtribution of fines, penalties

Exceptions.

and forfeitures, which ſhall have been incurred before or upon the ſaid day, ſubject nevertheleſs to the alterations contained and expreſſed in this preſent act.

Declaration reſpecting the ruble of Ruſſia.

And whereas by the act, intituled, "An act to regulate the collection of the duties impoſed by law on the tonnage of ſhips or veſſels, and on goods, wares and merchandizes imported into the United States," it was declared that the ruble of Ruſſia ſhould be rated at one hundred cents, and by the act, intituled, "An act to explain and amend an act, intituled, 'An act for regiſtering and clearing veſſels, regulating the coaſting trade, and for other purpoſes,'" that part of the ſaid firſt mentioned act which ſo rated the ruble of Ruſſia was repealed and made null and void. And whereas it is doubted whether the ſaid repeal can operate with reſpect to duties incurred prior thereto, as was intended by Congreſs;

Sec. 75. *Therefore be it enacted and declared*, That the ſaid repeal ſhall be deemed to operate in reſpect to all duties which may have ariſen or accrued prior thereto.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the fourth, 1790.

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXXVI.

An Act to continue in Force for a limited Time an Act, intituled, "An Act for the temporary Establishment of the Post-Office."

(EXPIRED.)

CHAPTER XXXVII.

An Act for the Relief of John Stewart and John Davidson.

(PRIVATE.)

CHAPTER XXXVIII.

An Act to provide more effectually for the Settlement of the Accounts between the United States and the individual States.

Sec. 1. BE it *enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a board, to consist of three commissioners, be, and hereby is established to settle the accounts between the United States, and the individual States; and the determination of a majority of the said commissioners on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.

Board of 3 commissioners to be appointed,

Sec. 2. *And be it further enacted*, That the said commissioners shall respectively take an

oath or affirmation before the chief juſtice of the United States, or one of the aſſociate or diſtrict judges, that they will faithfully and impartially execute the duties of their office. And they ſhall each of them be entitled to receive at the rate of two thouſand two hundred and fifty dollars per annum, payable quarter yearly at the treaſury of the United States, for their reſpective ſervices.

who are to take an oath.

their ſalary.

Sec. 3. *And be it further enacted*, That it ſhall be the duty of the ſaid commiſſioners to receive and examine all claims which ſhall be exhibited to them before the firſt day of July, one thouſand ſeven hundred and ninety-one, and to determine on all ſuch as ſhall have accrued for the general or particular defence during the war, and on the evidence thereof, according to the principles of general equity (although ſuch claims may not be ſanctioned by the reſolves of Congreſs, or ſupported by regular vouchers) ſo as to provide for the final ſettlement of all accounts between the United States and the ſtates individually; but no evidence of a claim heretofore admitted by a commiſſioner of the United States for any ſtate or diſtrict, ſhall be ſubject to ſuch examination; nor ſhall the claim of any citizen be admitted as a charge againſt the United States in the account of any ſtate, unleſs the ſame was allowed by ſuch ſtate before the twenty-fourth day of September, one thouſand ſeven hundred and eighty-eight.

Mode of procedure in examining claims.

Sec. 4. *And be it further enacted*, That it ſhall be the duty of the ſaid commiſſioners to examine and liquidate to ſpecie value, on principles of equity, the credits and debits of the ſtates already on the books of the treaſury for

To liquidate to ſpecie value credits and debits of certain ſtates.

bills of credit ſubſequent to the eighteenth of March, one thouſand ſeven hundred and eighty.

On the final ſettlement, aggregate of all the balances to be apportioned between the ſtates.

Sec. 5. *And be it further enacted*, That the commiſſioners ſhall debit each ſtate with all advances which have been, or may be made to it by the United States, and with the intereſt thereon to the laſt day of the year one thouſand ſeven hundred and eighty-nine, and ſhall credit each ſtate for its diſburſements and advances on the principles contained in the third ſection of this act, with intereſt to the day aforeſaid, and having ſtruck the balance due to each ſtate, ſhall find the aggregate of all the balances, which aggregate ſhall be apportioned between the ſtates agreeably to the rule herein after given; and the difference between ſuch apportionments, and the reſpective balances, ſhall be carried in a new account to the debit or credit of the ſtates reſpectively, as the caſe may be.

The rule of apportionment.

Sec. 6. *And be it further enacted*, That the rule for apportioning to the ſtates the aggregate of the balances firſt abovementioned, ſhall be the ſame that is preſcribed by the conſtitution of the United States, for the apportionment of repreſentation and direct taxes, and according to the firſt enumeration which ſhall be made.

Creditor ſtates to have their balances funded.

Sec. 7. *And be it further enacted*, That the ſtates who ſhall have balances placed to their credit on the books of the treaſury of the United States, ſhall within twelve months after the ſame ſhall have been ſo credited, be entitled to have the ſame funded upon the ſame terms with the other part of the domeſtic debt of the United States; but the balances ſo credited to any ſtate ſhall not be transferable.

Sec. 8. *And be it further enacted*, That the clerks employed, or to be employed by the ſaid commiſſioners, ſhall receive like ſalaries as clerks employed in the treaſury department. Salaries of the clerks.

Sec. 9. *And be it further enacted*, That the powers of the ſaid commiſſioners ſhall continue until the firſt day of July, one thouſand ſeven hundred and ninety-two, unleſs the buſineſs ſhall be ſooner accompliſhed. Continuance of the commiſſioners' powers.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the fifth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXXIX.

An Act making further Proviſion for the Payment of the Debts of the United States.

WHEREAS, by an act, intituled, "An act for laying a duty on goods, wares and merchandizes imported into the United States," divers duties were laid on goods, wares and merchandize ſo imported, for the diſcharge of the debts of the United States, and the encouragement and protection of manufactures: And whereas the ſupport of government and the diſcharge of the ſaid debts, render it neceſſary to encreaſe the ſaid duties: Recital.

From & after the 31ſt of Dec. next the preſent duties on certain ſpecified articles to ceaſe & other duties impoſed in lieu therof.

Sec. 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That from and after the laſt day of December next, the duties ſpecified and laid in and by the act aforeſaid, ſhall ceaſe and determine; and that upon all goods, wares and merchandize (not herein particularly excepted) which after the ſaid day ſhall be brought into the United States, from any foreign port or place, there ſhall be levied, collected and paid the ſeveral and reſpective duties following; that is to ſay: Madeira wine of the quality of London particular, per gallon, thirty-five cents; other Madeira wine, per gallon, thirty cents; Sherry wine, per gallon, twenty-five cents; other wines, per gallon, twenty cents; diſtilled ſpirits, if more than ten per cent. below proof, according to Dycas's hydrometer, per gallon, twelve cents; if more than five, and not more than ten per cent. below proof, according to the ſame hydrometer, per gallon, twelve and an half cents; if of proof, and not more than five per cent. below proof, according to the ſame hydrometer, per gallon, thirteen cents; if above proof, but not exceeding twenty per cent. according to the ſame hydrometer, per gallon, fifteen cents; if of more than twenty, and not more than forty per cent. above proof, according to the ſame hydrometer, per gallon, twenty cents; if of more than forty per cent. above proof, according to the ſame hydrometer, per gallon, twenty-five cents; molaſſes, per gallon, three cents; beer, ale and porter in caſks, per gallon, five cents; beer, ale and porter in bottles, per dozen, twenty cents; Teas from China and India, in ſhips or veſſels of the United States, bohea per pound, ten cents;

ſouchong and other black teas, per pound, eighteen cents; hyſon, per pound, thirty-two cents: other green teas, per pound, twenty cents; Teas from Europe, in ſhips or veſſels of the United States, bohea per pound, twelve cents; ſouchong and other black teas, per pound, twenty-one cents; hyſon, per pound, forty cents; other green teas, per pound, twenty-four cents: Teas from any other place, or in any other ſhips or veſſels, bohea per pound, fifteen cents; ſouchong and other black teas per pound, twenty-ſeven cents; hyſon per pound, fifty cents; other green teas per pound, thirty cents; coffee per pound, four cents; cocoa per pound, one cent; loaf ſugar per pound, five cents; brown ſugar per pound, one and an half cent; other ſugar per pound, two and an half cents; candles of tallow per pound, two cents; candles of wax or ſpermaceti per pound, ſix cents; cheeſe per pound, four cents; ſoap per pound, two cents; pepper per pound, ſix cents; pimento per pound, four cents; manufactured tobacco per pound, ſix cents; ſnuff per pound, ten cents; indigo per pound, twenty-five cents; cotton per pound, three cents; nails and ſpikes per pound, one cent; barr and other lead per pound, one cent; ſteel unwrought per one hundred and twelve pounds, ſeventy-five cents; hemp per one hundred and twelve pounds, fifty-four cents; cables per one hundred and twelve pounds, one hundred cents; tarred cordage per one hundred and twelve pounds, one hundred cents; untarred cordage and yarn per one hundred and twelve pounds, one hundred and fifty cents; twine and pack thread per one hundred and twelve pounds, three hundred cents; ſalt per buſhel, twelve cents; malt

From & after the 31ſt of Dec. next the preſent duties on certain ſpecified articles to ceaſe and other duties impoſed in lieu.

per buſhel, ten cents; coal per buſhel, three cents; boots per pair, fifty cents; ſhoes, ſlippers and goloſhoes, made of leather, per pair, ſeven cents; ſhoes and ſlippers made of ſilk or ſtuff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking glaſſes, window and other glaſs, and all manufactures of glaſs, (black quart bottles excepted) twelve and an half per centum ad valorem; marble, ſlate and other ſtones, bricks, tiles, tables, mortars and other utenſils of marble or ſlate, and generally all ſtone and earthen ware, blank books, writing paper, and wrapping paper, paper hangings, paſte-boards, parchment and vellum, pictures and prints, painters colors, including lampblack, except thoſe commonly uſed in dying, gold, ſilver and plated ware, gold and ſilver lace, jewellery and paſte work, clocks and watches, ſhoe and knee buckles, grocery, (except the articles before enumerated) namely, cinnamon, cloves, mace, nutmegs, ginger, anniſeed, currants, dates, figs, plumbs, prunes, raiſins, ſugar-candy, oranges, lemons, limes, and generally, all fruits and comfits, olives, capers and pickles of every ſort, oil, gun-powder, muſtard in flour, ten per centum ad valorem; cabinet-wares, buttons, ſaddles, gloves of leather, hats of beaver, felt, wool, or a mixture of any of them, millenary ready made, caſtings of iron, and ſlit and rolled iron, leather tanned or tawed, and all manufactures of which leather is the article of chief value, except ſuch as are herein otherwiſe rated, canes, walking-ſticks and whips, cloathing ready made, bruſhes, anchors, all wares of tin, pewter, or copper, all or any of them, medicinal drugs, except thoſe

Alſo on certain other articles certain rates per centum ad valorem.

commonly uſed in dying, carpets and carpeting, all velvets, velverets, ſattins and other wrought ſilks, cambrics, muſlins, muſlinets, lawns, laces, gauzes, chintzes, and colored calicoes, and nankeens, ſeven and an half per centum ad valorem. All goods, wares and merchandize imported directly from China or India in ſhips or veſſels not of the United States, teas excepted, twelve and an half per centum ad valorem. All coaches, chariots, phætons, chaiſes, chairs, ſolos or other carriages, or parts of carriages, fifteen and an half per centum ad valorem; and five per centum ad valorem upon all other goods, wares and merchandize, except bullion, tin in pigs, tin plates, old pewter, braſs teutenague, iron and braſs wire, copper in plates, ſalt petre, plaiſter of Paris, wool, dying woods, and dying drugs, raw hides and ſkins, undreſſed furs of every kind, the ſea-ſtores of ſhips or veſſels, the cloaths, books, houſehold furniture, and the tools or implements of the trade or profeſſion of perſons who come to reſide in the United States, philoſophical apparatus, ſpecially imported for any ſeminary of learning, all goods intended to be re-exported to a foreign port or place, in the ſame ſhip or veſſel in which they ſhall be imported, and generally, all articles of the growth, product or manufactures of the United States.

On certain other articles certain rates per centum ad valorem.

Sec. 2. *And be it further enacted*, That an addition of ten per centum ſhall be made to the ſeveral rates of duties above ſpecified and impoſed, in reſpect to all goods, wares and merchandize, which after the ſaid laſt day of December next, ſhall be imported in ſhips or veſſels not of the United States, except in the caſes in which an additional duty is herein be-

Alſo an additional duty of 10 per centum on all the rates of duty before ſpecified.

fore ſpecially laid on any goods, wares or merchandizes, which ſhall be imported in ſuch ſhips or veſſels.

Drawback for goods exported within 12 months.

Sec. 3. *And be it further enacted*, That all duties which ſhall be paid or ſecured to be paid by virtue of this act, ſhall be returned or diſcharged in reſpect to all ſuch goods, wares or merchandize, whereupon they ſhall have been ſo paid, or ſecured to be paid, as, within twelve calendar months after payment made or ſecurity given, ſhall be exported to any foreign port or place, except one per centum on the amount of the ſaid duties, which ſhall be retained as an indemnification for whatever expenſe may have accrued concerning the ſame.

Bounty on exportation of dried or pickled fiſh, and ſalted proviſions.

Sec. 4. *And be it further enacted*, That there ſhall be allowed and paid on dried and pickled fiſh, of the fiſheries of the United States, and on other proviſions ſalted within the ſaid ſtates, which after the ſaid laſt day of December next ſhall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the ſalt which ſhall have been expended thereupon, according to the following rates; namely: Dried fiſh per quintal, ten cents; pickled fiſh and other ſalted proviſions per barrel, ten cents.

Duties or drawback on a ſpecific quantity of goods, to apply in proportion as to other quantities.

Sec. 5. *And be it further enacted*, That where duties by this act are impoſed, or drawbacks allowed on any ſpecific quantity of goods, wares and merchandize, the ſame ſhall be deemed to apply in proportion to any quantity, more or leſs, than ſuch ſpecific quantity.

Duties accruing within a certain time remitted.

Sec. 6. *And be it further enacted*, That all the duties which by virtue of the act, intituled, "An act for laying a duty on goods, wares and merchandizes imported into the United

States," accrued between the time ſpecified in the ſaid act for the commencement of the ſaid duties, and the reſpective times when the collectors entered upon the duties of their reſpective offices in the ſeveral diſtricts, be, and they are hereby remitted and diſcharged, and that in any caſe in which they may have been paid to the United States, reſtitution thereof ſhall be made.

Continuance of the duty by this act impoſed.

Sec. 7. *And be it further enacted*, That the ſeveral duties impoſed by this act ſhall continue to be collected and paid, until the debts and purpoſes for which they are pledged and appropriated, ſhall be fully diſcharged: *Provided*, That nothing herein contained ſhall be conſtrued to prevent the legiſlature of the United States from ſubſtituting other duties or taxes of equal value to any or all of the ſaid duties and impoſts.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the tenth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XL.

An Act to enable the Officers and Soldiers of the Virginia Line on continental Eſtabliſhment, to obtain Titles to certain Lands lying North-weſt of the River Ohio, between the Little Miami and Sciota.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America, in Congreſs aſſembled,* That the act of Congreſs of the ſeventeenth of July, one thouſand ſeven hundred and eighty-eight, relative to certain locations and ſurveys made by, or on account of the Virginia troops on continental eſtabliſhment upon lands between the Little Miami and Sciota rivers, north-weſt of the Ohio, be, and the ſame is hereby repealed.

Act of former Congreſs repealed.

Recital. And whereas the agents for ſuch of the troops of the ſtate of Virginia, who ſerved on the continental eſtabliſhment in the army of the United States, during the late war, have reported to the executive of the ſaid ſtate, that there is not a ſufficiency of good land on the ſouth-eaſterly ſide of the river Ohio, according to the act of ceſſion from the ſaid ſtate to the United States, and within the limits aſſigned by the laws of the ſaid ſtate, to ſatisfy the ſaid troops for the bounty lands due to them, in conformity to the ſaid laws: to the intent therefore that the difference between what has already been located for the ſaid troops, on the ſouth-eaſterly ſide of the ſaid river, and the aggregate of what is due to the whole of the ſaid troops, may be located on the north-weſterly ſide of the ſaid river, and between the Sciota and Little Miami rivers, as ſtipulated by the ſaid ſtate:

Sec. 2. *Be it further enacted*, That the Secretary of the department of war, ſhall make return to the executive of the ſtate of Virginia of the names of ſuch of the officers, non-commiſſioned officers and privates of the line of the ſaid ſtate, who ſerved in the army of the United States, on the continental eſtabliſhment, during the late war, and who in conformity to the laws of the ſaid ſtate, are entitled to bounty lands; and ſhall alſo in ſuch return ſtate the aggregate amount in acres due to the ſaid line by the laws aforeſaid.

Secretary at war to make return to the executive of Virginia of thoſe entitled to bounty lands.

Sec. 3. *And be it further enacted*, That it ſhall and may be lawful for the ſaid agents to locate to and for the uſe of the ſaid troops, between the rivers Sciota and Little Miami, ſuch a number of acres of good land, as, ſhall, together with the number already located between the ſaid two rivers, and the number already located on the ſouth-eaſterly ſide of the river Ohio, be equal to the aggregate amount, ſo to be returned as aforeſaid by the Secretary of the department of war.

Agents to locate certain lands for the uſe of the troops;

Sec. 4. *And be it further enacted*, That the ſaid agents, as ſoon as may be after the locations, ſurveys and allotments are made and completed, ſhall enter in regular order, in a book to be by them provided for that purpoſe, the bounds of each location and ſurvey between the ſaid two rivers, annexing the name of the officer, non-commiſſioned officer or private originally entitled to each; which entries being certified by the ſaid agents, or the majority of them, to be true entries, the book containing the ſame ſhall be filed in the office of the Secretary of State.

and to enter in a book the bounds of each location and ſurvey.

Sec. 5. *And be it further enacted*, That it

President to cauſe letters patent to be made out to thoſe entitled to bounty lands.

ſhall be lawful for the Preſident of the United States to cauſe letters patent to be made out in ſuch words and form as he ſhall deviſe and direct, granting to ſuch perſon ſo originally entitled to bounty lands, to his uſe, and to the uſe of his heirs or aſſigns, or his or their legal repreſentative or repreſentatives, his, her or their heirs or aſſigns, the lands deſignated in the ſaid entries: *Provided always*, That before the ſeal of the United States ſhall be affixed to ſuch letters patent, the Secretary of the department of war ſhall have indorſed thereon that the grantee therein named, was originally entitled to ſuch bounty lands, and that he has examined the bounds thereof with the book of entries filed in the office of the Secretary of State, and finds the ſame truly inſerted; and every ſuch letters patent ſhall be counterſigned by the Secretary of State, and a minute of the date thereof, and of the name of the grantee ſhall be entered of record in his office, in a book to be ſpecially provided for the purpoſe.

Secretary of ſtate to tranſmit the ſame to the executive of Virginia.

Sec. 6. *And be it further enacted*, That it ſhall be the duty of the Secretary of State, as ſoon as may be after the letters patent ſhall be ſo completed and entered of record, to tranſmit the ſame to the executive of the ſtate of Virginia, to be by them delivered to each grantee; or in caſe of his death, or that the right of the grantees ſhall have been legally transferred before ſuch delivery, then to his legal repreſentative or repreſentatives, or to one of them.

Letters patent obtained without fees.

Sec. 7. *And be it further enacted*, That no fees ſhall be charged for ſuch letters patent and record, to the grantees, their heirs or

aſſigns, or to his or their legal repreſentative or repreſentatives.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the tenth, 1790:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XLI.

An Act authorizing the Secretary of the Treaſury to finiſh the Light-Houſe on Portland-Head, in the Diſtrict of Maine.

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That there be appropriated and paid out of the monies ariſing from the duties on imports and tonnage, a ſum not exceeding fifteen hundred dollars, for the purpoſe of finiſhing the Light-Houſe on Portland-Head, in the diſtrict of Maine; and that the Secretary of the Treaſury, under the directions of the Preſident of the United States, be authorized to cauſe the ſaid light-houſe to be finiſhed and completed accordingly. 1500 dollars appropriated.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the tenth, 1790:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XLII.

An Act to alter the Times for holding the Circuits Courts of the United States in the Districts of South-Carolina and Georgia, and providing that the District Court of Pennsylvania, shall in future be held at the city of Philadelphia only.

Circuit courts when and where to be held.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the circuit courts of the United States in the districts of South-Carolina and Georgia, shall for the future be held as follows, to wit: In the district of South-Carolina on the twenty-fifth day of October next, at Charleston, and in each succeeding year at Columbia, on the twelfth day of May, and in Charleston on the twenty-fifth day of October; in the district of Georgia on the fifteenth day of October next, at Augusta, and in each succeeding year at Savannah, on the twenty-fifth day of April, and at Augusta on the fifteenth day of October; except when any of those days shall happen to be Sunday, in which case the court shall be held on the Monday following. And all process that was returnable under the former law at Charleston, on the first day of October next, and at Augusta on the seventeenth day of October, shall now be deemed returnable respectively at Charleston on the twenty-fifth day of October next, and at Augusta on the fifteenth day of October next; any thing in the former law to the contrary notwithstanding.

Part of a former act repealed.

Sec. 2. *And be it further enacted*, That so much of the act, entitled, "An act to establish the judicial courts of the United States," as

directs that the district court for the district of Pennsylvania shall be held at Yorktown in the said state, be repealed; and that in future the district court for Pennsylvania be held in the city of Philadelphia.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*
APPROVED, August the eleventh, 1790:
GEORGE WASHINGTON,
President of the United States.

CHAPTER XLIII.

An Act declaring the Assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode-Island and Providence Plantations.

(EXPIRED.)

CHAPTER XLIV.

An Act for the Relief of disabled Soldiers and Seamen lately in the Service of the United States, and of certain other Persons.

Sec. 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Stephen Califfe, Jeremiah Ryan, Joseph M'Gibbon, Samuel Garretson, Ephraim M'Coy, Christian Khun, David Steele, Joseph Shuttlief, and Daniel Culver, disabled soldiers lately in the service of the United States, be

Persons entitled to pensions, & at what rate.

Perſons entitled to penſions, & at what rate.

allowed penſions at the rate of five dollars per month from the time their pay in the army reſpectively ceaſed. That Chriſtian Wolfe, a diſabled ſoldier, be allowed a penſion at the rate of four dollars per month from the date of his diſcharge. That Edward Scott, a diſabled ſoldier, be allowed a penſion at the rate of three dollars per month from the date of his diſcharge. That David Weaver and George Schell, diſabled ſoldiers, be each allowed a penſion, at the rate of two dollars per month, from the date of their reſpective diſcharges. That Seth Boardman, a diſabled ſoldier, be allowed a penſion, at the rate of three dollars and one third of a dollar per month, from the ſeventeenth day of March, one thouſand ſeven hundred and eighty-ſix. That Severinus Koch, a diſabled captain of colonel Jacob Klock's regiment of New-York militia, be allowed a penſion, at the rate of five dollars per month, from the twentieth day of Auguſt, one thouſand ſeven hundred and ſeventy-ſeven. That John Younglove, a diſabled major of colonel Lewis Van Woort's regiment of New-York militia, be allowed a penſion at the rate of ſix dollars per month, from the thirtieth day of July, one thouſand ſeven hundred and eighty-one. That William White, a diſabled private of colonel Williams regiment of New-York militia, be allowed a penſion, at the rate of three dollars and one third of a dollar per month, from the firſt day of April, one thouſand ſeven hundred and eighty-ſix. That Jacob Newkerk, a diſabled ſoldier of colonel John Harper's regiment of New-York ſtate troops, be allowed a penſion, at the rate of three dollars per month, from the twenty-ſecond day of October, one thouſand ſeven hundred and eighty,

That David Poole, a diſabled ſeaman lately in the ſervice of the United States, be allowed a penſion of five dollars per month, to commence on the fifth of March, one thouſand ſeven hundred and eighty-nine.

Sum granted, & penſion allowed to Caleb Brewſter;

Sec. 2. *And be it further enacted*, That Caleb Brewſter, lately a lieutenant, who was wounded and diſabled in the ſervice of the United States, be allowed three hundred forty-eight dollars and fifty-ſeven cents, the amount of his neceſſary expenſes for ſuſtenance and medical aſſiſtance, while dangerouſly ill of his wounds, including the intereſt to the firſt of July, one thouſand ſeven hundred and ninety. And that the ſaid Brewſter be allowed a penſion equal to his half pay as lieutenant, from the third of November, one thouſand ſeven hundred and eighty three, he firſt having returned his commutation of half pay.

Penſion allowed to N. Gove.

Sec. 3. *And be it further enacted*, That Nathaniel Gove, a diſabled lieutenant, lately in the ſervice of the United States, be allowed a penſion, at the rate of ſix dollars and two thirds of a dollar per month, from the twentieth of May, one thouſand ſeven hundred and ſeventy-eight, to the firſt day of July, one thouſand ſeven hundred and eighty-ſix, and that he be allowed at the rate of thirteen dollars and one third of a dollar per month, from the ſaid firſt day of July, one thouſand ſeven hundred and eighty-ſix.

Commiſſioner of army accounts to ſettle pay, &c of certain officers.

Sec. 4. *And be it further enacted*, That the commiſſioner of army accounts be authorized and directed to ſettle the pay and depreciation of pay of John Stevens, a hoſtage in the late war at the capitulation of the cedars, as a captain in the line of the army, and that he iſſue

certificates accordingly. That he alſo iſſue a certificate to Charles Markley, lately a captain in Armand's corps, for the commutation of his half pay. That he alſo ſettle the accounts of James Derry, and Benjamin Hardiſon, who were made priſoners in Canada, in May, one thouſand ſeven hundred and ſeventy-ſix, and forcibly detained in captivity among the Indians, and that he iſſue certificates for the balance of their pay reſpectively, to the third of November, one thouſand ſeven hundred and eighty-three.

The penſions to be paid according to laws made or that hereafter may be made.

Sec. 5. *And be it further enacted*, That the ſeveral penſions mentioned in this act, due or to become due from the fifth of March, one thouſand ſeven hundred and eighty-nine, ſhall be paid according to ſuch laws as have been made, or ſhall be made relative to invalid penſioners: And that the arrears of the ſaid penſions, due before the ſaid fifth day of March, one thouſand ſeven hundred and eighty-nine, ſhall be paid in ſuch manner as Congreſs may hereafter provide for paying the arrears of penſions.

Allowance to S. Harding.

Sec. 6. *And be it further enacted*, That there ſhall be allowed to Seth Harding, for three months and ten days ſervices on board the Alliance frigate, during the late war, at the rate of ſixty dollars per month, being the pay of a captain, to be paid out of the monies ariſing from impoſts and tonnage.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the eleventh, 1790:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XLV.

An Act for the Relief of the Perſons therein mentioned or deſcribed.

Sec. 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That the regiſter of the treaſury ſhall, and is hereby required to grant unto Sarah, the widow of the late major-general Earl of Stirling, who died in the ſervice of the United States, a certificate to entitle her to a ſum equal to an annuity for ſeven years half pay of a major-general, to commence as from the fourteenth day of January, one thouſand ſeven hundred and eighty-three, in conformity to the act of the late Congreſs, paſſed on the twenty-fourth day of Auguſt, one thouſand ſeven hundred and eighty; the amount for which the ſaid certificate is to be granted, to be aſcertained by the Secretary of the Treaſury, and on ſimilar principles as other debts of the United States are liquidated and certified.

Regiſter of the treaſury to grant a certificate to S. Stirling;

Sec. 2. *And be it further enacted,* That the ſaid regiſter ſhall grant unto Frances Eleanor Laurens, the orphan daughter of the late lieutenant-colonel John Laurens, who was killed whilſt in the ſervice of the United States, a certificate to entitle her to a ſum equal to an annuity for ſeven years half pay of a lieutenant-colonel, to commence as from the twenty-fifth day of Auguſt, one thouſand ſeven hundred and eighty-two, according to the act of the late Congreſs of the twenty-fourth day of Auguſt, one thouſand ſeven hundred and eighty; the amount for which the ſaid certificate is to be granted, to be aſcertained by the Secretary of the Treaſury in manner aforeſaid.

Regiſter of the treaſury to grant a certificate to Frances E. Laurens;

And whereas no proviſion hath heretofore been made for diſcharging the arrears of penſions due to officers, non-commiſſioned officers, and ſoldiers, who were wounded and diſabled whilſt in the ſervice of the United States: Therefore,

To invalid penſioners.

Sec. 3. *Be it further enacted*, That each of the officers, non-commiſſioned officers and ſoldiers, who were ſo wounded and diſabled, and who are now placed on the books in the office of the ſecretary for the department of war, as a penſioner, or to be ſo placed in conformity to any law of this Congreſs, ſhall receive from the regiſter of the treaſury, who is hereby required to grant the ſame, a certificate, to be liquidated and ſettled in ſuch manner as the Secretary of the Treaſury ſhall direct, for a ſum equal to the penſion annually due to him, to commence from the time he became entitled thereto, or from the time to which the ſame had been paid, as the caſe may be, which ſhall be aſcertained and certified by the ſaid Secretary for the department of war, and which annuity ſhall be liquidated to the fourth day of March, one thouſand ſeven hundred and eighty-nine, from which day the United States have aſſumed the payment of the penſions certified by the ſeveral ſtates. And in caſe of the death of any perſon ſo entitled, the certificate ſhall paſs to his heirs or legal repreſentative or repreſentatives.

Regiſter of the treaſury to grant certificate to widows & orphans of officers & ſoldiers.

Sec. 4. *And be it further enacted*, That the widow or orphan of each officer, non-commiſſioned officer or ſoldier who was killed or died whilſt in the ſervice of the United States, and who is now placed on the books in the office of the ſaid Secretary, as entitled to a penſion, by virtue of any act of the ſaid late

Congreſs, or any law of this Congreſs, and for whom proviſion has not been made by any ſtate, and to whom any arrears of ſuch penſion are due, and which have ariſen prior to the ſaid fourth day of March, one thouſand ſeven hundred and eighty-nine, ſhall receive a certificate therefor in like manner, and on the ſame principles, as certificates are by this act directed to be given to officers, non commiſſioned officers and ſoldiers, who were wounded or diſabled as aforeſaid.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the eleventh, 1790:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XLVI.

An Act making certain Appropriations therein mentioned.

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That there be appropriated to the purpoſes herein after mentioned, to be paid out of the monies ariſing from the duties on goods, wares and merchandize imported, and on the tonnage of ſhips or veſſels, the following ſums; to wit: The ſum of thirty-eight thouſand eight hundred and ninety-two dollars and ſeventy-five cents, towards diſcharging certain debts contracted by Abra- Sum granted to A. Skinner, &c.

ham Skinner, late commiſſary of priſoners, on account of the ſubſiſtence of the officers of the late army while in captivity: The ſum of forty thouſand dollars, towards diſcharging certain debts contracted by colonel Timothy Pickering, late quartermaſter-general, and which ſum was included in the amount of a warrant drawn in his favor by the late ſuperintendant of the finances of the United States, and which warrant was not diſcharged: The ſum of one hundred and four thouſand three hundred and twenty-ſeven dollars and twenty-two cents, for the ſeveral purpoſes ſpecified in an eſtimate accompanying the report of the Secretary of the Treaſury of the fifth inſtant, including one thouſand dollars for defraying the expenſes of certain eſtabliſhments for the ſecurity of navigation of the like nature with thoſe mentioned in the act, intituled, "An act for the eſtabliſhment and ſupport of light-houſes, beacons, buoys and public piers," but not particularly ſpecified therein: The ſum of one hundred and eighty-one dollars and forty-two cents, for reimburſing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the ſum heretofore appropriated on account of the ſaid George Morgan White Eyes: The ſum of ſix hundred and thirty-two dollars and eighty cents, for the ſervices and expenſes of Iſaac Guion, employed by direction of the Preſident of the United States, in relation to the reſolution of Congreſs of the twenty-ſixth of Auguſt laſt: The ſum of forty-one dollars and forty-ſeven cents, for reimburſing the treaſurer of the United States the coſts by him paid on a proteſted bill: The ſum of two hundred and fifty dollars, for the ſalary of an interpreter of

T. Pickering;

and for purpoſes eſtimated in a report of the ſecretary of the treaſury.

the French language, employed in the department of ſtate: The ſum of three hundred and twenty-ſix dollars and ſix cents, for ſundry expenditures by Richard Phillips, on account of the houſhold of the late Preſident of Congreſs, and for certain unſatisfied claims againſt the ſame: The ſum of ſeven hundred and fifty dollars, towards compenſating the late loan-officer of Pennſylvania, for his ſervices in relation to the re-exchange of certificates granted by the ſtate of Pennſylvania, in lieu of certificates of the United States; which ſeveral ſums ſo included in the ſaid ſum of one hundred and four thouſand three hundred and twenty-ſeven dollars and twenty-two cents, are hereby authorized and granted: And the farther ſum of fifty thouſand dollars, towards diſcharging ſuch demands on the United States, not otherwiſe provided for, as ſhall have been aſcertained and admitted in due courſe of ſettlement at the treaſury and which are of a nature according to the uſage thereof, to require payment in ſpecie.

Sum granted for purpoſes eſtimated in a report of the ſecretary of the treaſury.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the twelfth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XLVII.

An Act making Provision for the Reduction of the Public Debt.

Recital. IT being desirable by all just and proper means, to effect a reduction of the amount of the public debt, and as the application of such surplus of the revenue as may remain after satisfying the purposes for which appropriations shall have been made by law, will not only contribute to that desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States.

The surplus of the product of duties on goods and tonnage to Dec. next, to be applied to the purchase of the public debt.

Section 1. *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all such surplus of the product of the duties on goods, wares and merchandize imported, and on the tonnage of ships or vessels to the last day of December next, inclusively, as shall remain after satisfying the several purposes for which appropriations shall have been made by law to the end of the present session, shall be applied to the purchase of the debt of the United States, at its market price, if not exceeding the par or true value thereof.

By whose direction purchases are to be made; and

Sec. 2. *And be it further enacted*, That the purchases to be made of the said debt, shall be made under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney-General for the time being; and who, or any three of whom, with the approbation of the President of the United States, shall cause the said purchases to be made in

ſuch manner, and under ſuch regulations as ſhall appear to them beſt calculated to fulfil the intent of this act: *Provided*, That the ſame be made openly, and with due regard to the equal benefit of the ſeveral ſtates: *And provided further*, That to avoid all riſk or failure, or delay in the payment of intereſt ſtipulated to be paid for and during the year one thouſand ſeven hundred and ninety-one, by the act, intituled, "An act making proviſion for the debt of the United States," ſuch reſervations ſhall be made of the ſaid ſurplus as may be neceſſary to make good the ſaid payments, as they ſhall reſpectively become due, in caſe of deficiency in the amount of the receipts into the treaſury during the ſaid year, on account of the duties on goods, wares and merchandize imported, and the tonnage of ſhips or veſſels, after the laſt day of December next.

in what manner.

Sec. 3. *And be it further enacted*, That accounts of the application of the ſaid monies ſhall be rendered for ſettlement as other public accounts, accompanied with returns of the amount of the ſaid debt purchaſed therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchaſes aforeſaid: and that a full and exact report of the proceedings of the ſaid five perſons, or any three of them, including a ſtatement of the diſburſements and purchaſes made under their direction, ſpecifying the times thereof, the prices at which, and the parties from whom the ſame may be made, ſhall be laid before Congreſs, within the firſt fourteen days of each ſeſſion which may enſue the preſent, during the execution of their ſaid truſt.

The account of purchaſing to be ſettled as other public accounts.

Report of proceedings to be laid before Congreſs.

Sec. 4. *And be it further enacted*, That the Preſident of the United States be, and he is

Preſident authorized to borrow 2 millions of dollars,

hereby authorized to cauſe to be borrowed, on behalf of the United States, a ſum or ſums not exceeding in the whole two millions of dollars, at an intereſt not exceeding five per cent. and that the ſum or ſums ſo borrowed, be alſo applied to the purchaſe of the ſaid debt of the United States, under the like direction, in the like manner, and ſubject to the like regulations and reſtrictions with the ſurplus aforeſaid: *Provided*, That out of the intereſt ariſing on the debt to be purchaſed in manner aforeſaid, there ſhall be appropriated and applied a ſum not exceeding the rate of eight per centum per annum on account both of principal and intereſt towards the re-payment of the two millions of dollars ſo to be borrowed.

to be applied to the purchaſe of the debt.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the twelfth, 1790:

GEORGE WASHINGTON,
Preſident of the United States.

RESOLVED *by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That all treaties made, or which ſhall be made and promulged under the authority of the United States, ſhall, from time to time, be publiſhed and annexed to their code of laws, by the Secretary of State.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, June the fourteenth, 1790:
GEORGE WASHINGTON,
Preſident of the United States.

RESOLVED *by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That all ſurveys of lands in the Weſtern Territory, made under the direction of the late geographer, Thomas Hutchins, agreeable to contracts for part of the ſaid lands made with the late board of treaſury, be returned to, and perfected by the Secretary of the Treaſury, ſo as to compleat the ſaid contracts: and that the ſaid Secretary be, and is hereby authorized to direct the making and compleating any other ſurveys that remain to be made, ſo as to comply on the part of the United States with the ſeveral contracts aforeſaid, in conformity to the terms thereof.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, Auguſt the twelfth, 1790:
GEORGE WASHINGTON,
Preſident of the United States.

A C T S

PASSED AT THE

THIRD SESSION

OF THE

FIRST CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF PHILADELPHIA,

On Monday the fixth of December,

IN THE YEAR M,DCC,XC:

AND OF THE

Independence of the United States

THE FIFTEENTH.

ACTS OF CONGRESS.

CHAPTER I.

An Act ſupplementary to the Act, intitled, "An Act making further Proviſion for the Payment of the Debts of the United States."

WHEREAS no expreſs proviſion has been made for extending the act, intitled, "An act to provide more effectually for the collection of the duties impoſed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ſhips or veſſels," to the collection of the duties impoſed by the ſaid "Act making further proviſion for the payment of the debts of the United States," doubts concerning the ſame may ariſe: Therefore, *Be it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That the act, intitled, "An act to provide more effectually for the collection of the duties impoſed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ſhips or veſſels," doth and ſhall extend to, and be in force for the collection of the duties ſpecified and laid in and

Recital.

Proviſions of the act for collection of duties, extended to the act making further proviſion for the payment of the debts of the United States.

by the act, intitled, "An act making further provision for the payment of the debts of the United States," as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained, had been inserted in and re-enacted by the act last aforesaid.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, December twenty-seventh, 1790:
GEORGE WASHINGTON,
President of the United States.

CHAPTER II.

An Act to provide for the Unlading of Ships or Vessels, in Cases of Obstruction by Ice.

Recital.

WHEREAS it sometimes happens, that ships or vessels are obstructed by ice in their passage to the ports of their destination, and it is necessary that provision should be made for unlading such ships or vessels:

In cases of obstruction by ice, collector may receive entry at any other place within his district.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where a ship or vessel shall be prevented by ice from getting to the port at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be so obstructed, to receive the

report and entry of any ſuch ſhip or veſſel, and with the conſent of the naval-officer (where there is one) to grant a permit or permits for unlading or landing the goods, wares or merchandize imported in ſuch ſhip or veſſel at any place within his diſtrict, which ſhall appear to him to be moſt convenient and proper.

Under the uſual regulations in other caſes.

Sec. 2. *And be it further enacted*, That the report and entry of ſuch ſhip or veſſel, and of her cargo, or any part thereof, and all perſons concerned therein, ſhall be under and ſubject to the ſame rules, regulations, reſtrictions, penalties and proviſions, as if the ſaid ſhip or veſſel had arrived at the port of her deſtination, and had there proceeded to the delivery of her cargo.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, January the ſeventh, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER III.

An Act to continue an Act, intituled, "An Act declaring the Aſſent of Congreſs to certain Acts of the States of Maryland, Georgia, and Rhode-Iſland and Providence Plantations," ſo far as the ſame reſpects the States of Georgia, and Rhode-Iſland and Providence Plantations.

(EXPIRED.)

CHAPTER IV.

An Act declaring the Conſent of Congreſs, that a new State be formed within the Juriſdiction of the Commonwealth of Virginia, and admitted into this Union, by the Name of the State of Kentucky.

Recital. WHEREAS the Legiſlature of the Commonwealth of Virginia, by an act entitled, "An act concerning the erection of the diſtrict of Kentucky into an independent ſtate," paſſed the eighteenth day of December, one thouſand ſeven hundred and eighty-nine, have conſented, that the diſtrict of Kentucky, within the juriſdiction of the ſaid Commonwealth, and according to its actual boundaries at the time of paſſing the act aforeſaid, ſhould be formed into a new ſtate: And whereas a convention of delegates, choſen by the people of the ſaid diſtrict of Kentucky, have petitioned Congreſs to conſent, that, on the firſt day of June, one thouſand ſeven hundred and ninety-two, the ſaid diſtrict ſhould be formed into a new ſtate, and received into the Union, by the name of "the State of Kentucky:"

Conſent of Congreſs that a part of Virginia within certain boundaries, ſhall become a new ſtate.

Section 1. *Be it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled, and it is hereby enacted and declared*, That the Congreſs doth conſent, that the ſaid diſtrict of Kentucky, within the juriſdiction of the Commonwealth of Virginia, and according to its actual boundaries, on the eighteenth day of December, one thouſand ſeven hundred and eighty-nine, ſhall, upon the firſt day of June, one thouſand ſeven hundred and ninety-two, be formed in-

to a new ſtate, ſeparate from, and independant of, the ſaid Commonwealth of Virginia.

Sec. 2. *And be it further enacted and declared*, That upon the aforeſaid firſt day of June, one thouſand ſeven hundred and ninety-two, the ſaid new ſtate, by the name and ſtile of the State of Kentucky, ſhall be received and admitted into this Union, as a new and entire member of the United States of America. When and by what name admitted into the union.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, February the fourth, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER V.

An Act declaring the Conſent of Congreſs to a certain Act of the State of Maryland.

(EXPIRED.)

CHAPTER VI.

An Act making Appropriations for the Support of Government during the Year one thouſand ſeven hundred and ninety-one, and for other Purpoſes.

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That there be appropriated the ſeveral ſums, and for the ſeve-

Appropriations of money for the civil list;

ral purpoſes following, to wit: A ſum not exceeding two hundred and ninety-nine thouſand two hundred and ſeventy-ſix dollars and fifty-three cents, for defraying the expenſes of the civil liſt, as eſtimated by the Secretary of the Treaſury, in the ſtatement, number one, accompanying his report to the Houſe of Repreſentatives of the ſixth inſtant, including the contingencies of the ſeveral executive officers, and of the two Houſes of Congreſs, which are hereby authorized and granted: a ſum not exceeding fifty thouſand ſeven hundred and fifty-ſix dollars and fifty-three cents, for ſatisfying the ſeveral objects ſpecified in the ſtatement, number two, accompanying the report aforeſaid, all ſuch whereof, as may not have been heretofore provided for by law, being hereby authorized; and a ſum not exceeding three hundred and ninety thouſand one hundred and ninety-nine dollars and fifty-four cents, for the uſe of the department of war, purſuant to the ſtatement, number three, accompanying the report aforeſaid, including therein the ſum of one hundred thouſand dollars, for defraying the expenſes of an expedition lately carried on againſt certain Indian tribes; and the ſum of eighty-ſeven thouſand four hundred and ſixty-three dollars and ſixty cents, being the amount of one year's penſions to invalids, together with the contingencies of the ſaid department, which are hereby authorized: Which ſeveral ſums ſhall be paid out of the funds following, namely, The ſum of ſix hundred thouſand dollars, which, by the act, intituled, "An act making proviſion for the debt of the United States," is reſerved yearly for the ſupport of the government of the United States, and their common defence; the amount of ſuch

Certain ſpecified purpoſes.

Department of war;

Penſions to invalids; &

out of what funds payable.

ſurpluſes as may remain in the treaſury, after ſatisfying the purpoſes for which appropriations were made, by the acts reſpectively, intituled, "An act making appropriations for the ſervice of the preſent year," paſſed the twenty-ninth day of September, one thouſand ſeven hundred and eighty-nine; "An act making appropriations for the ſupport of government for the year one thouſand ſeven hundred and ninety," paſſed the twenty-ſixth day of March, one thouſand ſeven hundred and ninety; "An act making certain appropriations therein mentioned," paſſed the twelfth day of Auguſt, one thouſand ſeven hundred and ninety, and the product, during the preſent year, of ſuch duties as ſhall be laid in the preſent ſeſſion of Congreſs. Out of what funds payable.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, February the 11th, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER VII.

An Act for the Admiſſion of the State of Vermont into this Union.

THE State of Vermont having petitioned the Congreſs to be admitted a member of the United States, *Be it enacted by the Senate and Houſe of Repreſentatives of the United*

States of America in Congreſs aſſembled, and it is hereby enacted and declared, That on the fourth day of March, one thouſand ſeven hundred and ninety-one, the ſaid ſtate, by the name and ſtile of "the State of Vermont," ſhall be received and admitted into this Union, as a new and entire member of the United States of America.

State of Vermont to be admitted into union, 4th March, 1791.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*
APPROVED, February the 18th, 1791:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER VIII.

An Act to continue in Force, for a limited Time, an Act paſſed at the firſt Seſſion of Congreſs, intituled, "An act to regulate Proceſſes in the Courts of the United States."

(EXPIRED.)

CHAPTER IX.

An Act regulating the Number of Repreſentatives to be choſen by the States of Kentucky and Vermont.

Until actual enumeration of inhabitants

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That until the Re-

preſentatives in Congreſs ſhall be apportioned according to an actual enumeration of the inhabitants of the United States, the ſtates of Kentucky and Vermont ſhall each be entitled to chooſe two Repreſentatives. ſtates of Kentucky and Vermont, entitled to 2 repreſentatives.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, February the 25th, 1791:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER X.

An Act to incorporate the Subſcribers to the Bank of the United States.

WHEREAS it is conceived that the eſtabliſhment of a bank for the United States, upon a foundation ſufficiently extenſive to anſwer the purpoſes intended thereby, and at the ſame time upon the principles which afford adequate ſecurity for an upright and prudent adminiſtration thereof, will be very conducive to the ſucceſsful conducting of the national finances; will tend to give facility to the obtaining of loans, for the uſe of the government, in ſudden emergencies; and will be productive of conſiderable advantages to trade and induſtry in general: Therefore, Preamble.

Eſtabliſhment of a bank of the U. States, & amount & diviſion of its ſtock, and time of ſubſcribing.

Sec. 1. *BE it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That a bank of the United States ſhall be eſtabliſhed; the capital ſtock whereof ſhall not exceed ten millions of dollars, divided into twenty-five thouſand ſhares, each ſhare being four hundred dollars; and that ſubſcriptions, towards conſtituting the ſaid ſtock, ſhall, on the firſt Monday of April next, be opened at the city of Philadelphia, under the ſuperintendance of ſuch perſons, not leſs than three, as ſhall be appointed for that purpoſe by the Preſident of the United States (who is hereby empowered to appoint the ſaid perſons accordingly) which ſubſcriptions ſhall continue open, until the whole of the ſaid ſtock ſhall have been ſubſcribed.

By whom to be ſubſcribed.

Sec. 2. *And be it further enacted,* That it ſhall be lawful for any perſon, co-partnerſhip, or body politic, to ſubſcribe for ſuch or ſo many ſhares, as he, ſhe, or they ſhall think fit, not exceeding one thouſand, except as ſhall be hereafter directed relatively to the United States; and that the ſums, reſpectively ſubſcribed, except on behalf of the United States, ſhall be payable one fourth in gold and ſilver, and three fourths in that part of the public debt, which, according to the loan propoſed in the fourth and fifteenth ſections of the act, entitled, "An act making proviſion for the debt of the United States," ſhall bear an accruing intereſt, at the time of payment, of ſix per centum per annum, and ſhall alſo be payable in four equal parts, in the aforeſaid ratio of ſpecie to debt, at the diſtance of ſix calendar months from each other; the firſt whereof ſhall be paid at the time of ſubſcription.

Proportions of gold and ſilver and the public debt to be ſubſcribed, and

when to be paid,

Sec. 3. *And be it further enacted*, That all thoſe, who ſhall become ſubſcribers to the ſaid bank, their ſucceſſors and aſſigns, ſhall be, and are hereby created and made a corporation and body politic, by the name and ſtile of *The Preſident, Directors and Company of the Bank of the United States;* and ſhall ſo continue, until the fourth day of March, one thouſand eight hundred and eleven: And by that name, ſhall be, and are hereby made able and capable in law, to have, purchaſe, receive, poſſeſs, enjoy, and retain to them and their ſucceſſors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality ſoever, to an amount, not exceeding in the whole fifteen millions of dollars, including the amount of the capital ſtock aforeſaid; and the ſame to ſell, grant, demiſe, aliene or diſpoſe of; to ſue and be ſued, plead and be impleaded, anſwer and be anſwered, defend and be defended, in courts of record, or any other place whatſoever: And alſo to make, have, and uſe a common ſeal, and the ſame to break, alter and renew, at their pleaſure; and alſo to ordain, eſtabliſh, and put in execution, ſuch bye-laws, ordinances and regulations, as ſhall ſeem neceſſary and convenient for the government of the ſaid corporation, not being contrary to law, or to the conſtitution thereof (for which purpoſe, general meetings of the ſtockholders ſhall and may be called by the directors, and in the manner hereinafter ſpecified) and generally to do and execute all and ſingular acts, matters and things, which to them it ſhall or may appertain to do; ſubject nevertheleſs to the rules, regulations, reſtrictions, limitations and proviſions hereinafter preſcribed and declared.

Subſcribers to be a body politic.

By what name and how long to continue.

Powers.

Limitation of ſtock.

To have a ſeal,

and eſtabliſh bye-laws.

Number, and time of electing directors.

Sec. 4. *And be it further enacted*, That, for the well ordering of the affairs of the ſaid corporation, there ſhall be twenty-five directors; of whom there ſhall be an election on the firſt Monday of January in each year, by the ſtockholders or proprietors of the capital ſtock of the ſaid corporation, and by plurality of the votes actually given; and thoſe who ſhall be duly choſen at any election, ſhall be capable of ſerving as directors, by virtue of ſuch choice, until the end or expiration of the Monday of January next enſuing the time of ſuch election, and no longer. And the ſaid directors, at their firſt meeting after each election, ſhall chooſe one of their number as Preſident.

And of a Preſident.

Proviſo.

When 400,000 dollars in gold or ſilver ſhall be ſubſcribed, notice be given, &c.

Sec. 5. *Provided always, and be it further enacted*, That, as ſoon as the ſum of four hundred thouſand dollars, in gold and ſilver, ſhall have been actually received on account of the ſubſcriptions to the ſaid ſtock, notice thereof ſhall be given, by the perſons under whoſe ſuperintendance the ſame ſhall have been made, in at leaſt two public gazettes printed in the city of Philadelphia; and the ſaid perſons ſhall, at the ſame time in like manner, notify a time and place within the ſaid city, at the diſtance of ninety days from the time of ſuch notification, for proceeding to the election of directors; and it ſhall be lawful for ſuch election to be then and there made; and the perſons, who ſhall then and there be choſen, ſhall be the firſt directors, and ſhall be capable of ſerving, by virtue of ſuch choice, until the end or expiration of the Monday in January next enſuing the time of making the ſame, and ſhall forthwith thereafter commence the operations of the ſaid bank, at the ſaid city of Philadelphia. *And provided further*, That, in caſe it

How directors ſhall be choſen, and time of ſervice.

ſhould at any time happen, that an election of directors ſhould not be made upon any day when purſuant to this act it ought to have been made, the ſaid corporation ſhall not for that cauſe, be deemed to be diſſolved; but it ſhall be lawful, on any other day, to hold and make an election of directors in ſuch manner as ſhall have been regulated by the laws and ordinances of the ſaid corporation. *And provided laſtly*, That, in caſe of the death, reſignation, abſence from the United States, or removal of a director by the ſtockholders, his place may be filled up, by a new choice, for the remainder of the year.

Vacancies filled up.

Sec. 6. *And be it further enacted*, That the directors for the time being ſhall have power to appoint ſuch officers, clerks, and ſervants under them, as ſhall be neceſſary for executing the buſineſs of the ſaid corporation, and to allow them ſuch compenſation, for their ſervices reſpectively, as ſhall be reaſonable; and ſhall be capable of exerciſing ſuch other powers and authorities, for the well governing and ordering of the affairs of the ſaid corporation, as ſhall be deſcribed, fixed, and determined by the laws, regulations, and ordinances of the ſame.

Directors to appoint officers, &c.

Sec. 7. *And be it further enacted*, That the following rules, reſtrictions, limitations and proviſions, ſhall form and be fundamental articles of the conſtitution of the ſaid corporation, viz.

Articles of conſtitution.

I. The number of votes to which each ſtockholder ſhall be entitled, ſhall be according to the number of ſhares he ſhall hold, in the proportions following: That is to ſay, for one ſhare, and not more than two ſhares, one vote:

Stockholders how to vote, in what proportion to ſum ſubſcribed, &

For every two ſhares above two, and not exceeding ten, one vote: For every four ſhares above ten, and not exceeding thirty, one vote: For every ſix ſhares above thirty, and not exceeding ſixty, one vote: For every eight ſhares above ſixty, and not exceeding one hundred, one vote: And for every ten ſhares above one hundred, one vote: But no perſon, copartnerſhip, or body politic ſhall be entitled to a greater number than thirty votes. And after the firſt election, no ſhare or ſhares ſhall confer a right of ſuffrage, which ſhall not have been holden three calendar months previous to the day of election. Stockholders actually reſident within the United States, and none other, may vote in elections by proxy.

In certain caſes may vote by proxy.

Number of directors eligible for enſuing year, and

II. Not more than three fourths of the directors in office, excluſive of the preſident, ſhall be eligible for the next ſucceeding year: But the director, who ſhall be preſident at the time of an election, may always be re-elected.

who are directors.

III. None but a ſtockholder, being a citizen of the United States, ſhall be eligible as a director.

Compenſation to be allowed.

IV. No director ſhall be entitled to any emolument, unleſs the ſame ſhall have been allowed by the ſtockholders at a general meeting. The ſtockholders ſhall make ſuch compenſation to the preſident, for his extraordinary attendance at the bank, as ſhall appear to them reaſonable.

How to conſtitute a board.

V. Not leſs than ſeven directors ſhall conſtitute a board for the tranſaction of buſineſs, of whom the preſident ſhall always be one, except in caſe of ſickneſs, or neceſſary abſence; in which caſe his place may be ſupplied by any other director, whom he, by writing under his hand, ſhall nominate for the purpoſe.

VI. A number of ſtockholders, not leſs than ſixty, who, together ſhall be proprietors of two hundred ſhares or upwards, ſhall have power at any time to call a general meeting of the ſtockholders, for purpoſes relative to the inſtitution, giving at leaſt ten weeks notice, in two public gazettes of the place where the bank is kept, and ſpecifying, in ſuch notice, the object or objects of ſuch meeting. Number of ſtockholders impowered to call a meeting, &c.

VII. Every caſhier or treaſurer, before he enters upon the duties of his office, ſhall be required to give bond, with two or more ſureties, to the ſatisfaction of the directors, in a ſum not leſs than fifty thouſand dollars, with condition for his good behaviour. Caſhier and treaſurer to give bond.

VIII. The lands, tenements and hereditaments which it ſhall be lawful for the ſaid corporation to hold, ſhall be only ſuch as ſhall be requiſite for its immediate accommodation in relation to the convenient tranſacting of its buſineſs, and ſuch as ſhall have been *bona fide* mortgaged to it by way of ſecurity, or conveyed to it in ſatisfaction of debts previouſly contracted in the courſe of its dealings, or purchaſed at ſales upon judgments which ſhall have been obtained for ſuch debts. Limitation of property;

IX. The total amount of the debts, which the ſaid corporation ſhall at any time owe, whether by bond, bill, note, or other contract, ſhall not exceed the ſum of ten millions of dollars, over and above the monies then actually depoſited in the bank for ſafe keeping, unleſs the contracting of any greater debt ſhall have been previouſly authorized by a law of the United States. In caſe of exceſs, the directors, under whoſe adminiſtration it ſhall happen, ſhall be liable for the ſame, in their and of debts they ſhall at any time owe. In caſe of exceſs, directors accountable in private capacities; and

natural and private capacities; and an action of debt, may in ſuch caſe, be brought againſt them, or any of them, their or any of their heirs, executors or adminiſtrators, in any court of record of the United States, or of either of them, by any creditor or creditors of the ſaid corporation, and may be proſecuted to judgment and execution; any condition, covenant, or agreement to the contrary notwithſtanding. But this ſhall not be conſtrued to exempt the ſaid corporation, or the lands, tenements, goods or chattels of the ſame, from being alſo liable for and chargeable with the ſaid exceſs. Such of the ſaid directors, who may have been abſent when the ſaid exceſs was contracted or created, or who may have diſſented from the reſolution or act whereby the ſame was ſo contracted or created, may reſpectively exonerate themſelves from being ſo liable, by forthwith giving notice of the fact, and of their abſence or diſſent, to the Preſident of the United States, and to the ſtockholders, at a general meeting, which they ſhall have power to call for that purpoſe.

may be proſecuted.

Exception in favor of abſentees at time of exceſs.

Corporation may ſell public debt in ſtock, but not purchaſe, &c.

X. The ſaid corporation may ſell any part of the public debt whereof its ſtock ſhall be compoſed, but ſhall not be at liberty to purchaſe any public debt whatſoever; nor ſhall directly or indirectly deal or trade in any thing, except bills of exchange, gold or ſilver bullion, or in the ſale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which ſhall be the produce of its lands. Neither ſhall the ſaid corporation take more than at the rate of ſix per centum per annum, for or upon its loans or diſcounts.

and take not more than ſix per cent. per annum.

XI. No loan ſhall be made by the ſaid cor-

poration, for the uſe or on account of the government of the United States, to an amount exceeding one hundred thouſand dollars, or of any particular ſtate, to an amount exceeding fifty thouſand dollars, or of any foreign prince or ſtate, unleſs previouſly authorized by a law of the United States. How & for what objects to make loans.

XII. The ſtock of the ſaid corporation ſhall be aſſignable and transferable, according to ſuch rules as ſhall be inſtituted in that behalf, by the laws and ordinances of the ſame. And bills, &c. ſhall

XIII. The bills obligatory and of credit, under the ſeal of the ſaid corporation, which ſhall be made to any perſon or perſons, ſhall be aſſignable by indorſement thereupon, under the hand or hands of ſuch perſon or perſons, and of his, her, or their aſſignee or aſſignees, and ſo as abſolutely to transfer and veſt the property thereof in each and every aſſignee or aſſignees ſucceſſively, and to enable ſuch aſſignee or aſſignees to bring and maintain an action thereupon in his, her, or their own name or names. And bills or notes, which may be iſſued by order of the ſaid corporation, ſigned by the preſident, and counterſigned by the principal caſhier or treaſurer thereof, promiſing the payment of money to any perſon or perſons, his, her, or their order, or to bearer, though not under the ſeal of the ſaid corporation, ſhall be binding and obligatory upon the ſame, in the like manner, and with the like force and effect, as upon any private perſon or perſons, if iſſued by him or them, in his, her, or their private or natural capacity or capacities; and ſhall be aſſignable and negotiable, in like manner, as if they were ſo iſſued by ſuch private perſon or perſons; that is to ſay, thoſe which ſhall be payable to any perſon or per- be aſſignable and obligatory.

ſons, his, her, or their order, ſhall be aſſignable by indorſement, in like manner, and with the like effect, as foreign bills of exchange now are; and thoſe which are payable to bearer, ſhall be negotiable and aſſignable by delivery only.

Dividends of profits made.

XIV. Half yearly dividends ſhall be made of ſo much of the profits of the bank, as ſhall appear to the directors adviſeable; and once in every three years, the directors ſhall lay before the ſtockholders, at a general meeting, for their information, an exact and particular ſtatement of the debts, which ſhall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the ſurplus of profit, if any, after deducting loſſes and dividends. If there ſhall be a failure in the payment of any part of any ſum, ſubſcribed by any perſon, co-partnerſhip, or body politic, the party failing ſhall loſe the benefit of any dividend, which may have accrued, prior to the time for making ſuch payment, and during the delay of the ſame.

Offices may be eſtabliſhed within U. States, for diſcount & depoſit only, &c.

XV. It ſhall be lawful for the directors aforeſaid, to eſtabliſh offices whereſoever they ſhall think fit, within the United States, for the purpoſes of diſcount and depoſit only, and upon the ſame terms, and in the ſame manner, as ſhall be practiſed at the bank; and to commit the management of the ſaid offices, and the making of the ſaid diſcounts, to ſuch perſons, under ſuch agreements, and ſubject to ſuch regulations as they ſhall deem proper; not being contrary to law, or to the conſtitution of the bank.

XVI. The officer at the head of the treaſu-

ry department of the United States, shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Officer at the head of the treasury, to be furnished with statements.

Not of private nature.

Sec. 8. *And be it further enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandize, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons, by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandizes, and commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

Penalty for buying or selling goods, &c.

Sec. 9. *And be it further enacted*, That if the said corporation shall advance or lend any sum, for the use or on account of the government of the United States, to an amount exceeding one hundred thousand dollars; or of any particular state to an amount exceeding fifty thousand dollars; or of any foreign prince or state, (unless previously authorized thereto

How money may be advanced or lent.

by a law of the United States) all and every perſon and perſons, by and with whoſe order, agreement, conſent, approbation, or connivance, ſuch unlawful advance or loan, ſhall have been made, upon conviction thereof, ſhall forfeit and pay, for every ſuch offence, treble the value or amount of the ſum or ſums which ſhall have been ſo unlawfully advanced or lent; one fifth thereof to the uſe of the informer, and the reſidue thereof to the uſe of the United States; to be diſpoſed of by law and not otherwiſe.

Bills or notes made receivable by United States,

Sec. 10. *And be it further enacted*, That the bills or notes of the ſaid corporation, originally made payable, or which ſhall have become payable on demand, in gold and ſilver coin, ſhall be receivable in all payments to the United States.

Subſcriptions made by United States, how to be paid, &c.

Sec. 11. *And be it further enacted*, That it ſhall be lawful for the preſident of the United States, at any time or times, within eighteen months after the firſt day of April next, to cauſe a ſubſcription to be made to the ſtock of the ſaid corporation, as part of the aforeſaid capital ſtock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars; to be paid out of the monies which ſhall be borrowed by virtue of either of the acts, the one entitled, "An act making proviſion for the debt of the United States;" and the other entitled, "An act making proviſion for the reduction of the public debt;" borrowing of the bank an equal ſum, to be applied to the purpoſes, for which the ſaid monies ſhall have been procured; reimburſable in ten years, by equal annual inſtallments; or at any time ſooner, or in any

greater proportions, that the government may think fit.

Sec. 12. *And be it further enacted*, That no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged. No other bank to be established.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February the 25th, 1791:
GEORGE WASHINGTON,
President of the United States.

CHAPTER XI.

An Act supplementory to the Act, intituled, "An Act to incorporate the Subscribers to the Bank of the United States.

Sec. 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the subscriptions to the stock of the bank of the United States, as provided by the act, intituled, "An act to incorporate the subscribers to the bank of the United States," shall not be opened until the first Monday in July next. Subscriptions to bank stock prolonged.

Sec. 2. *And be it further enacted*, That so much of the first payment as by the said act is directed to be in the six per cent. certificates of the United States, may be deferred until the first Monday in January next. Time of first payment.

Not more than thirty ſhares to be ſubſcribed at one time.

Sec. 3. *And be it further enacted*, That no perſon, corporation, or body politic, except in behalf of the United States, ſhall, for the ſpace of three months after the ſaid firſt Monday in July next, ſubſcribe in any one day for more than thirty ſhares.

Specie proportion, when to be paid, and failure in future payments to forfeit ſum firſt paid.

Sec. 4. *And be it further enacted*, That every ſubſcriber ſhall, at the time of ſubſcribing, pay into the hands of the perſons who ſhall be appointed to receive the ſame, the ſpecie proportion required by the ſaid act to be then paid. And if any ſuch ſubſcriber ſhall fail to make any of the future payments, he ſhall forfeit the ſum ſo by him firſt paid, for the uſe of the corporation.

In what manner public debt funded at 3 per cent. may be paid to the bank.

Sec. 5. *And be it further enacted*, That ſuch part of the public debt, including the aſſumed debt, as is funded at an intereſt of three per cent. may be paid to the bank, in like manner with the debt funded at ſix per cent. computing the value of the former at one half the value of the latter, and reſerving to the ſubſcribers who ſhall have paid three per cent. ſtock, the privilege of redeeming the ſame with ſix per cent. ſtock, at the above rate of computation, at any time before the firſt day of January, one thouſand ſeven hundred and ninety-three; unleſs the three per cent. ſtock ſhall have been previouſly diſpoſed of by the directors.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the ſecond, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XII.

An Act giving Effect to the Laws of the United States within the State of Vermont.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the third day of March next, all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the state of Vermont, as elsewhere within the United States. Laws of the U. States extended to Vermont;

And to the end that the act, intituled, "An act to establish the judicial courts of the United States," may be duly administered within the said state of Vermont,

Sec. 2. *Be it further enacted,* That the said state shall be one district, to be denominated Vermont-District; and there shall be a district court therein, to consist of one judge, who shall reside within the said district, and be called a district-judge, and shall hold annually four sessions; the first to commence on the first Monday in May next, and the three other sessions progressively on the like Monday of every third calendar month afterwards. The said district court shall be held alternately at the towns of Rutland and Windsor, beginning at the first. Vermont to be a district and have a district court and judge. Number & time of sessions, and where held.

Sec. 3. *And be it further enacted,* That the said district shall be, and the same hereby is annexed to the eastern circuit. And there shall be held annually in the said district one circuit court; the first session shall commence on the seventeenth day of June next, and the Annexed to the eastern circuit, and have a circuit court;

ſubſequent ſeſſions on the like day of June afterwards, except when any of the ſaid days ſhall happen on a Sunday, and then the ſeſſion ſhall commence on the day following; and the ſaid ſeſſions of the ſaid circuit courts ſhall be held at the town of Bennington.

where held.

Sec. 4. *And be it further enacted*, That there ſhall be allowed to the judge of the ſaid diſtrict court the yearly compenſation of eight hundred dollars, to commence from the time of his appointment, and to be paid quarter-yearly at the treaſury of the United States.

Compenſation to the judge.

Sec. 5. *And be it further enacted*, That all the regulations, proviſions, directions, authorities, penalties and other matters whatſoever, (except as herein afterwards is expreſsly provided) contained and expreſſed in and by the act, intituled, "An act providing for the enumeration of the inhabitants of the United States," ſhall have the ſame force and effect within the ſaid ſtate of Vermont, as if the ſame were, in relation thereto, repeated and re-enacted in and by this preſent act.

An enumeration of the inhabitants to be made.

Sec. 6. *And be it further enacted*, That the enumeration of the inhabitants of the ſaid ſtate ſhall commence on the firſt Monday of April next, and ſhall cloſe within five calendar months thereafter.

Enumeration of inhabitants, when to commence.

Sec. 7. *And be it further enacted*, That the marſhal of the diſtrict of Vermont ſhall receive in full compenſation for all the duties and ſervices confided to, and enjoined upon him in and by this act in taking the enumeration aforeſaid, two hundred dollars.

Compenſation to the marſhal therefor.

And that the act, intituled, "An act to provide more effectually for the collection of the duties impoſed by law on goods, wares and

Duties on articles imported

merchandize imported into the United States, and on the tonnage of ships and vessels," may be carried into effect in the said state of Vermont: within said state how to be collected.

Sec. 8. *Be it further enacted*, That for the due collection of the said duties, there shall be in the said state of Vermont one district; and a collector shall be appointed, to reside at Allburgh on Lake Champlain, which shall be the only port of entry or delivery within the said district, of any goods, wares or merchandize, not the growth or manufacture of the United States. Port of entry and delivery.

Provided nevertheless, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be and is hereby extended to the said port of Allburgh.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*
APPROVED, March the second, 1791:
GEORGE WASHINGTON,
President of the United States.

CHAPTER XIII.

An Act to explain and amend an Act, intituled, "An Act making further Provision for the Payment of the Debts of the United States."

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the duty of one cent per pound, laid by

Duty laid on bar lead extended to manufactures of lead.

the act "making further provision for the payment of the debts of the United States," on bar and other lead, shall be deemed and taken to extend to all manufactures wholly of lead, or in which lead is the chief article, which shall hereafter be brought into the United States, from any foreign port or place.

Duty laid on chintzes &c. extended to manufactures of coloured linen or cotton.

Sec. 2. *And be it further enacted*, That the duty of seven and a half per cent ad valorem, laid by the act aforesaid on chintzes, and coloured calicoes, shall be deemed and taken to extend to all printed, stained, and coloured goods, or manufactures of cotton, or of linen, or of both, which hereafter shall be brought into the United States from any foreign port or place.

Provided always, That nothing in this act shall in any wise affect the true construction or meaning of the act aforesaid in relation to any of the above described articles brought into the United States before the passing of this act.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the second, 1791:
GEORGE WASHINGTON,
President of the United States.

CHAPTER XIV.

An Act fixing the Time for the next annual Meeting of Congress.

(EXPIRED.)

CHAPTER XV.

An Act repealing, after the laſt Day of June next, the Duties heretofore laid upon diſtilled Spirits imported from Abroad, and laying others in their Stead; and alſo upon Spirits diſtilled within the United States, and for appropriating the ſame.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That after the laſt day of June next, the duties laid upon diſtilled ſpirits by the act, intituled, "An act making further proviſion for the payment of the debts of the United States," ſhall ceaſe; and that upon all diſtilled ſpirits which ſhall be imported into the United States after that day, from any foreign port or place, there ſhall be paid for their uſe the duties following; that is to ſay: For every gallon of thoſe ſpirits more than ten per cent below proof, according to Dicas's hydrometer, twenty cents. For every gallon of thoſe ſpirits under five, and not more than ten per cent below proof, according to the ſame hydrometer, twenty-one cents. For every gallon of thoſe ſpirits of proof, and not more than five per cent below proof, according to the ſame hydrometer, twenty-two cents. For every gallon of thoſe ſpirits above proof, but not exceeding twenty per cent according to the ſame hydrometer, twenty-five cents. For every gallon of thoſe ſpirits more than twenty, and not more than forty per cent above proof, according to the ſame hydrometer, thirty cents. For every gallon of thoſe ſpirits more than forty per cent above proof, according to the ſame hydrometer, forty cents.

Duties to be paid on ſpirits imported;

how to be collected;

Sec. 2. *And be it further enacted*, That the ſaid duties ſhall be collected in the ſame manner, by the ſame perſons, under the ſame regulations, and ſubject to the ſame forfeitures and other penalties, as thoſe heretofore laid; the act concerning which ſhall be deemed to be in full force for the collection of the duties herein before impoſed, except as to the alterations contained in this act.

and the payment thereof how to be ſecured.

Sec. 3. *And be it further enacted*, That the ſaid duties, when the amount thereof ſhall not exceed fifty dollars, ſhall be immediately paid; but when the ſaid amount ſhall exceed fifty, and ſhall not amount to more than five hundred dollars, may, at the option of the proprietor, importer or conſignee, be either immediately paid, or ſecured by bond, with condition for the payment thereof in four months; and if the amount of the ſaid duties ſhall exceed five hundred dollars, the ſame may be immediately paid or ſecured by bond, with condition for the payment thereof in ſix months; which bond, in either caſe, at the like option of the proprietor, importer or conſignee, ſhall either include one or more ſureties to the ſatisfaction of the collector, or perſon acting as ſuch, or ſhall be accompanied with a depoſit in the cuſtody of the ſaid collector, or perſon acting as ſuch, of ſo much of the ſaid ſpirits as ſhall in his judgment be a ſufficient ſecurity for the amount of the duties for which the ſaid bond ſhall have been given, and the charges of the ſafe keeping and ſale of the ſpirits ſo depoſited; which depoſit ſhall and may be accepted in lieu of the ſaid ſurety or ſureties, and ſhall be kept by the ſaid collector, or perſon acting as ſuch, with due and reaſonable care at the expenſe and riſk of the party or

parties on whoſe account the ſame ſhall have been made; and if at the expiration of the time mentioned in the bond for the payment of the duties thereby intended to be ſecured, the ſame ſhall not be paid, then the ſaid depoſited ſpirits ſhall be ſold at public ſale, and the proceeds thereof, after deducting the charges of keeping and ſale, ſhall be applied to the payment of the whole ſum of the duties for which ſuch depoſit ſhall have been made, rendering the overplus of the ſaid proceeds, and the reſidue of the ſaid ſpirits, if any there be, to the perſon or perſons by whom ſuch depoſit ſhall have been made, or to his, her or their repreſentatives.

Sec. 4. In order to a due collection of the duties impoſed by this act, *Be it further enacted*, That the United States ſhall be divided into fourteen diſtricts, each conſiſting of one ſtate, but ſubject to alterations by the Preſident of the United States, from time to time, by adding to the ſmaller ſuch portions of the greater as ſhall in his judgment beſt tend to ſecure and facilitate the collection of the revenue; which diſtricts it ſhall be lawful for the Preſident of the United States to ſubdivide into ſurveys of inſpection, and the ſame to alter at his diſcretion. That the Preſident be authorized to appoint, with the advice and conſent of the Senate, a ſupervifor to each diſtrict, and as many inſpectors to each ſurvey therein as he ſhall judge neceſſary, placing the latter under the direction of the former. *Provided always*, That it ſhall and may be lawful for the Preſident, with the advice and conſent of the Senate, in his diſcretion to appoint, ſuch and ſo many officers of the cuſtoms to be inſpectors in any ſurvey of inſpection as he ſhall deem

To be divided into diſtricts conſiſting each of a ſtate;

Diſtricts to be ſubdivided into ſurveys of inſpection.

A ſupervifor to be appointed for the diſtricts, and inſpectors for the ſurveys.

advisable to employ in the execution of this act: *Provided also*, That where, in the judgment of the President, a supervisor can discharge the duties of that office, and also that of inspector, he may direct the same: *And provided further*, That if the appointment of the inspectors of surveys, or any part of them, shall not be made during the present session of Congress, the President may, and he is hereby empowered to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Officers of the customs and supervisors eligible as inspectors.

Appointment of inspectors to be made during the recess.

Supervisors and inspectors to keep accounts & records of their transactions;

Sec. 5. *And be it further enacted*, That the supervisors, inspectors and officers to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the United States, and with the receipt of monies in discharge of such duties, shall keep fair and true accounts and records of their transactions in their respective offices, in such manner and form as may be directed by the proper department or officer having the superintendance of the collection of the revenue, and shall at all times submit their books, papers and accounts to the inspection of such persons as are or may be appointed for that purpose, and shall at all times pay to the order of the officer, who is or shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act, and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it is, or shall be to make such settlement.

submit the same to a proper officer;

Supervisors and inspectors to pay all the monies they receive; and

settle their accounts quarterly.

Sec. 6. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath or affirmation diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavors to prevent and detect frauds, in relation to the duties on spirits imposed by this act, which oath or affirmation may be taken before any magistrate authorized to administer oaths within the district or survey to which he belongs, and being certified under the hand and seal of the magistrate by whom the same shall have been administered, shall within three months thereafter be transmitted to the comptroller of the treasury, in default of taking which oath or affirmation, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered with costs of suit.

Persons to be appointed under this act to take an oath,

and transmit it to the comptroller;

penalty in default thereof.

Sec. 7. *And be it further enacted*, That the supervisor of the revenue for each district, shall establish one or more offices within the same, as may be necessary; and in order that the said offices may be publicly known, there shall be painted or written in large legible characters upon some conspicuous part outside and in front of each house, building or place in which any such office shall be kept, these words, "OFFICE OF INSPECTION;" and if any person shall paint or write, or cause to be painted or written, the said words, upon any other than such house or building, he or she shall forfeit and pay for so doing, one hundred dollars.

Offices of inspection to be established.

Sec. 8. *And be it further enacted*, That within forty-eight hours after any ship or ves-

Report to be made to inſpectors of importation of ſpirits;

ſel, having on board any diſtilled ſpirits brought in ſuch ſhip or veſſel from any foreign port or place, ſhall arrive within any port of the United States, whether the ſame be the firſt port of arrival of ſuch ſhip or veſſel, or not, the maſter or perſon having the command or charge thereof, ſhall report to one of the inſpectors of the port at which ſhe ſhall ſo arrive, the place from which ſhe laſt ſailed, with her name and burthen, and the quantity and kinds of the ſaid ſpirits on board of her, and the caſks, veſſels or caſes containing them, with their marks and numbers; on pain of forfeiting the ſum of five hundred dollars.

which the collector

Sec. 9. *And be it further enacted*, That the collector or other officer, or perſon acting as collector, with whom entry ſhall have been made of any of the ſaid ſpirits, purſuant to the act, intituled, "An act to provide more effectually for the collection of the duties impoſed by law on goods, wares and merchandizes imported into the United States, and on the tonnage of ſhips or veſſels," ſhall forthwith after ſuch entry certify and tranſmit the ſame, as particularly as it ſhall have been made with him, to the proper officer of inſpection, of the port where it ſhall be intended to commence the delivery of the ſpirits ſo entered, or any part thereof: for which purpoſe, every proprietor, importer or conſignee, making ſuch entry, ſhall deliver two manifeſts of the contents (upon one of which the ſaid certificate ſhall be given) and ſhall at the time thereof declare the port at which the ſaid delivery ſhall be ſo intended to be commenced, to the collector or officer with whom the ſame ſhall be made. And every permit granted by ſuch collector, for the landing of any of the ſaid

ſhall certify & ſend to the officer of inſpection where the ſpirits ſhall be delivered.

ſpirits, ſhall previous to ſuch landing, be produced to the ſaid officer of inſpection, who ſhall make a minute in ſome proper book, of the contents thereof, and ſhall endorſe thereupon the word "INSPECTED," the time when, and his own name: after which he ſhall return it to the perſon by whom it ſhall have been produced; and then, and not otherwiſe it ſhall be lawful to land the ſpirits therein ſpecified; and if the ſaid ſpirits ſhall be landed without ſuch endorſement upon the permit for that purpoſe granted, the maſter or perſon having charge of the ſhip or veſſel from which the ſame ſhall have been ſo landed, ſhall for every ſuch offence forfeit the ſum of five hundred dollars.

Endorſement on permits by inſpectors neceſſary previous to the landing of it; and

penalty on failure thereof.

Sec. 10. *And be it further enacted*, That whenever it ſhall be intended that any ſhip or veſſel ſhall proceed with the whole or any part of the ſpirits which ſhall have been brought in ſuch ſhip or veſſel from any foreign port or place, from one port in the United States to another port in the ſaid United States, whether in the ſame or in different diſtricts, the maſter or perſon having the command or charge of ſuch ſhip or veſſel, ſhall previous to her departure, apply to the officer of inſpection, to whom report was made, for the port from which ſhe is about to depart, for a certificate of the quantity and particulars of ſuch of the ſaid ſpirits as ſhall have been certified or reported to him to have been entered as imported in ſuch ſhip or veſſel, and of ſo much thereof as ſhall appear to him to have been landed out of her at ſuch port; which certificate the ſaid officer ſhall forthwith grant. And the maſter or perſon having the command or charge of ſuch ſhip or veſſel, ſhall within twenty-four

Spirits brought into one port intended to be ſent to another in the United States,

ſhall be ſo certified by an inſpector;

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and [illegible] hours after her arrival at the port to which she [illegible] shall be bound, deliver the said certificate to [illegible] the proper officer of inspection of such last mentioned port. And if such ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits brought in her as aforesaid, without having first obtained such certificate; or if within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the proper officer of inspection there, the master or person having the command or charge of the said ship or vessel, shall in either case forfeit the sum of five hundred dollars; and the spirits on board of her at her said arrival, shall be forfeited, and may be seized by any officer of inspection.

and forfeiture of said spirits.

Spirits imported as aforesaid now to be landed;

Sec. 11. *And be it further enacted*, That all spirits which shall be imported as aforesaid, shall be landed under the inspection of the officer or officers of inspection for the place where the same shall be landed, and not otherwise, on pain of forfeiture thereof; for which purpose the said officer or officers shall, at all reasonable times, attend: *Provided*, That this shall not be construed to exclude the inspection of the officers of the customs as now established and practised.

and duties of officers of inspection when landed.

Sec. 12. *And be it further enacted*, That the officers of inspection under whose survey any of the said spirits shall be landed, shall upon landing thereof, and as soon as the casks, vessels and cases containing the same shall be gauged or measured, brand or otherwise mark in durable characters, the several casks, vessels or cases containing the same, with progressive numbers; and also with the name of the ship

or veſſel wherein the ſame was or were imported, and of the port of entry, and with the proof and quantity thereof; together with ſuch other marks, if any other ſhall be deemed needful, as the reſpective ſupervifors of the revenue may direct. And the ſaid officer ſhall keep a book, wherein he ſhall enter the name of each veſſel in which any of the ſaid ſpirits ſhall be ſo imported, and of the port of entry and of delivery, and of the maſter of ſuch veſſel, and of each importer, and the ſeveral caſks, veſſels and caſes containing the ſame, and the marks of each; and if ſuch officer is not the chief inſpector within the ſurvey, he ſhall as ſoon as may be thereafter, make an exact tranſcript of each entry, and deliver the ſame to ſuch chief officer, who ſhall keep a like book for recording the ſaid tranſcript.

Officer of inſpection to certify the quantity of ſpirits landed,

Sec. 13. *And be it further enacted*, That the chief officer of inſpection within whoſe ſurvey any of the ſaid ſpirits ſhall be landed, ſhall give to the proprietor, importer or conſignee thereof, or his or her agent, a certificate to remain with him or her, of the whole quantity of the ſaid ſpirits which ſhall have been ſo landed; which certificate, beſides the ſaid quantity, ſhall ſpecify the name of ſuch proprietor, importer or conſignee, and of the veſſel from on board which the ſaid ſpirits ſhall have been landed, and of the marks of each caſk, veſſel or caſe containing the ſame. And the ſaid officer ſhall deliver to the ſaid proprietor, importer or conſignee, or to his or her agent, a like certificate for each caſk, veſſel or caſe; which ſhall accompany the ſame whereſoever it ſhall be ſent, as evidence of it's being lawfully imported. And the officer granting the ſaid certificates, ſhall make regular and ex-

which ſhall ſerve to ſhew the legality of its importation,

and to make entries thereof;

act entries in the book to be by him kept as aforesaid, of all spirits for which the same shall be granted, as particularly as therein described. And the said proprietor, importer or consignee, or his or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same; on pain of forfeiting the sum of fifty dollars, for each cask, vessel or case with which such certificate shall not be delivered.

which certificates shall be delivered to purchasers; penalty on failure thereof.

Duties on spirits distilled within the U. States from foreign materials.

Sec. 14. *And be it further enacted*, That upon all spirits which after the said last day of June next, shall be distilled within the United States, wholly or in part from molasses, sugar, or other foreign materials, there shall be paid for their use the duties following; that is to say: For every gallon of those spirits more than ten per cent below proof, according to Dicas's hydrometer, eleven cents. For every gallon of those spirits under five and not more than ten per cent below proof, according to the same hydrometer, twelve cents. For every gallon of those spirits of proof and not more than five per cent below proof, according to the same hydrometer, thirteen cents. For every gallon of those spirits above proof, and not exceeding twenty per cent, according to the same hydrometer, fifteen cents. For every gallon of those spirits more than twenty and not more than forty per cent above proof, according to the same hydrometer, twenty cents. For every gallon of those spirits more than forty per cent above proof, according to the same hydrometer, thirty cents.

Sec. 15. *And be it further enacted*, That

upon all ſpirits which after the ſaid laſt day of June next, ſhall be diſtilled within the United States, from any article of the growth or produce of the United States, in any city, town or village, there ſhall be paid for their uſe the duties following; that is to ſay: For every gallon of thoſe ſpirits more than ten per cent below proof, according to Dicas's hydrometer, nine cents. For every gallon of thoſe ſpirits under five and not more than ten per cent below proof, according to the ſame hydrometer, ten cents. For every gallon of thoſe ſpirits of proof, and not more than five per cent below proof, according to the ſame hydrometer, eleven cents. For every gallon of thoſe ſpirits above proof, but not exceeding twenty per cent, according to the ſame hydrometer, thirteen cents. For every gallon of thoſe ſpirits more than twenty and not more than forty per cent above proof, according to the ſame hydrometer, ſeventeen cents. For every gallon of thoſe ſpirits more than forty per cent above proof, according to the ſame hydrometer, twenty-five cents.

Duties on ſpirits diſtilled from home articles;

Sec. 16. *And be it further enacted*, That the ſaid duties on ſpirits diſtilled within the United States, ſhall be collected under the management of the ſupervifors of the revenue.

how to be collected.

Sec. 17. *And be it further enacted*, That the ſaid duties on ſpirits diſtilled within the United States, ſhall be paid or ſecured previous to the removal thereof from the diſtilleries at which they are reſpectively made. And it ſhall be at the option of the proprietor or proprietors of each diſtillery, or of his, her or their agent having the ſuperintendance thereof, either to pay the ſaid duties previous to ſuch removal, with an abatement at the rate of two

Duties on ſpirits diſtilled within the U. States, how to be ſecured

cents for every ten gallons, or to ſecure the payment of the ſame, by giving bond quarterly, with one or more ſureties, to the ſatisfaction of the chief officer of inſpection within whoſe ſurvey ſuch diſtillery ſhall be, and in ſuch ſum as the ſaid officer ſhall direct, with condition for the payment of the duties upon all ſuch of the ſaid ſpirits as ſhall be removed from ſuch diſtillery, within three months next enſuing the date of the bond, at the expiration of nine months from the ſaid date.

and paid.

Superviſors to appoint officers to attend to diſtilleries.

Sec. 18. *And be it further enacted*, That the ſuperviſor of each diſtrict ſhall appoint proper officers to have the charge and ſurvey of the diſtilleries within the ſame, aſſigning to each, one or more diſtilleries as he may think proper, who ſhall attend ſuch diſtillery at all reaſonable times, for the execution of the duties by this act enjoined on him.

Caſks to be brauded and gauged before a removal therefrom,

Sec. 19. *And be it further enacted*, That previous to the removal of the ſaid ſpirits from any diſtillery, the officer within whoſe charge and ſurvey the ſame may be, ſhall brand or otherwiſe mark each caſk containing the ſame, in durable characters, and with progreſſive numbers, and with the name of the acting owner or other manager of ſuch diſtillery, and of the place where the ſame was ſituate, and with the quantity therein, to be aſcertained by actual gauging, and with the proof thereof. And the duties thereupon having been firſt paid, or ſecured, as above provided, the ſaid officer ſhall grant a certificate for each caſk of the ſaid ſpirits, to accompany the ſame whereſoever it ſhall be ſent, purporting that the duty thereon hath been paid or ſecured, as the caſe may be, and deſcribing each caſk by

and ſo certified by ſaid officer, & entered in a book accordingly.

it's mark; and ſhall enter in a book for that purpoſe to be kept, all the ſpirits diſtilled at ſuch diſtillery, and removed from the ſame; and the marks of each caſk, and the perſons for whoſe uſe, and the places to which removed, and the time of each removal, and the amount of the duties on the ſpirits ſo removed. And if any of the ſaid ſpirits ſhall be removed from any ſuch diſtillery without having been branded or marked as aforeſaid, or without ſuch certificate as aforeſaid, the ſame, together with the caſk or caſks containing, and the horſes or cattle, with the carriages, their harneſs and tackling, and the veſſel or boat with it's tackle and apparel employed in removing them, ſhall be forfeited, and may be ſeized by any officer of inſpection. And the ſuperintendant or manager of ſuch diſtillery, ſhall alſo forfeit the full value of the ſpirits ſo removed, to be computed at the higheſt price of the like ſpirits in the market.

Forfeiture for removing ſpirits without ſuch certificate, and

Sec. 20. *And be it further enacted*, That no ſpirits ſhall be removed from any ſuch diſtillery at any other times than between ſunriſing and ſun-ſetting, except by conſent and in preſence of the officer having the charge and ſurvey thereof, on pain of forfeiture of ſuch ſpirits, or of the value thereof at the higheſt price in the market, to be recovered with coſts of ſuit from the acting owner or manager of ſuch diſtillery.

for removing ſpirits from diſtilleries without authority.

Sec. 21. *And be it further enacted*, That upon ſtills which after the laſt day of June next, ſhall be employed in diſtilling ſpirits from materials of the growth or production of the United States, in any other place than a city, town or village, there ſhall be paid for the uſe of the United States, the yearly duty of ſixty

Duty on private ſtills.

cents for every gallon, Engliſh wine-meaſure, of the capacity or content of each and every ſuch ſtill, including the head thereof.

Evidence of their employment;

Sec. 22. *And be it further enacted*, That the evidence of the employment of the ſaid ſtills ſhall be, there being erected in ſtone, brick or ſome other manner whereby they ſhall be in a condition to be worked.

how it is to be collected; and

Sec. 23. *And be it further enacted*, That the ſaid duties on ſtills ſhall be collected under the management of the ſupervifor in each diſtrict, who ſhall appoint and aſſign proper officers for the ſurveys of the ſaid ſtills and the admeaſurement thereof, and the collection of the duties thereupon; and the ſaid duties ſhall be paid half-yearly, within the firſt fifteen days of January and July, upon demand of the proprietor or proprietors of each ſtill, at his, her or their dwelling, by the proper officer charged with the ſurvey thereof: And in caſe of refuſal or neglect to pay, the amount of the duties ſo refuſed or neglected to be paid, may either be recovered with coſts of ſuit in an action of debt in the name of the ſupervifor of the diſtrict, within which ſuch refuſal ſhall happen, for the uſe of the United States, or may be levied by diſtreſs and ſale of goods of the perſon or perſons refuſing or neglecting to pay, rendering the overplus (if any there be after payment of the ſaid amount and the charges of diſtreſs and ſale) to the ſaid perſon or perſons.

what to be done in caſe of refuſal to pay it.

Proprietors of ſtills to have a right to keep an account of the quantity they diſtill,

Sec. 24. *And be it further enacted*, That if the proprietor of any ſuch ſtill, finding himſelf or herſelf aggrieved by the ſaid rates, ſhall enter or cauſe to be entered in a book to be kept for that purpoſe, from day to day when

ſuch ſtill ſhall be employed, the quantity of ſpirits diſtilled therefrom, and the quantity from time to time ſold or otherwiſe diſpoſed of, and to whom and when, and ſhall produce the ſaid book to the officer of inſpection within whoſe ſurvey ſuch ſtill ſhall be, and ſhall make oath or affirmation that the ſame doth contain to the beſt of his or her knowledge and belief, true entries made at their reſpective dates, of all the ſpirits diſtilled within the time to which ſuch entries ſhall relate, from ſuch ſtill, and of the diſpoſition thereof; and ſhall alſo declare upon ſuch oath or affirmation, the quantity of ſuch ſpirits then remaining on hand, it ſhall be lawful in every ſuch caſe for the ſaid officer to whom the ſaid book ſhall be produced, and he is hereby required to eſtimate the duties upon ſuch ſtill, according to the quantity ſo ſtated to have been actually made therefrom at the rate of nine cents per gallon, which, and no more, ſhall be paid for the ſame: *Provided*, That if the ſaid entries ſhall be made by any perſon other than the ſaid proprietor, a like oath or affirmation ſhall be made by ſuch perſon.

which ſhall furniſh a rule whereby the duties may be eſtimated.

And the more effectually to prevent the evaſion of the duties hereby impoſed on ſpirits diſtilled within the United States,

Sec. 25. *Be it further enacted*, That every perſon who ſhall be a maker or diſtiller of ſpirits from molaſſes, ſugar or other foreign materials, or from materials the growth and production of the United States, ſhall write or paint, or cauſe to be written or painted upon ſome conſpicuous part outſide and in front of each houſe or other building or place made uſe of, or intended to be made uſe of by him

Diſtillers to place their occupations on the outſide of their diſtilleries;

or her for the diſtillation or keeping of ſpiritous liquors, and upon the door or uſual entrance of each vault, cellar or apartment within the ſame, in which any of the ſaid liquors ſhall be at any time by him or her diſtilled, depoſited or kept, or intended ſo to be, the words "Diſtiller of Spirits;" and every ſuch diſtiller ſhall within three days before he or ſhe ſhall begin to diſtil therein, make a particular entry in writing, at the neareſt office of inſpection, if within ten miles thereof, of every ſuch houſe, building or place, and of each vault, cellar and apartment within the ſame, in which he or ſhe ſhall intend to carry on the buſineſs of diſtilling, or to keep any ſpirits by him or her diſtilled. And if any ſuch diſtiller ſhall omit to paint or write, or cauſe to be painted or written the words aforeſaid, in manner aforeſaid, upon any ſuch houſe or other building or place, or vault, cellar or apartment thereof, or ſhall, in caſe the ſame be ſituate within the ſaid diſtance of ten miles of any office of inſpection, omit to make entry thereof as aforeſaid, ſuch diſtiller ſhall for every ſuch omiſſion or neglect, forfeit one hundred dollars, and all the ſpirits which he or ſhe ſhall keep therein, or the value thereof, to be computed at the higheſt price of ſuch ſpirits in the market; to be recovered by action, with coſts of ſuit, in any court proper to try the ſame, in the name of the ſuperviſor of the diſtrict within which ſuch omiſſion or neglect or omiſſion ſhall be, for the uſe of the United States: *Provided always, and be it further enacted*, That the ſaid entry to be made by perſons who ſhall be diſtillers of ſpirits, on the firſt day of July next, ſhall be made on that day, or within three days thereafter, accompanied (except

and furniſh the inſpector with an account of their buildings, &c.

penalty in caſe of neglect thereof.

When the ſaid entry is to be furniſhed, and

where the duties hereby impoſed are charged on the ſtill) with a true and particular account or inventory of the ſpirits, on that day and at the time, in every or any houſe, building or place by him or her entered; and of the caſks, caſes and veſſels containing the ſame, with their marks and numbers, and the quantities and qualities of the ſpirits therein contained, on pain of forfeiting for neglect to make ſuch entry, or to deliver ſuch account, the ſum of one hundred dollars, and all the ſpirits by him or her had or kept in any ſuch houſe, building or place; to be recovered as aforeſaid.

forfeiture in caſe of neglect.

Sec. 26. *And be it further enacted*, That the ſupervifor of the revenue for the diſtrict wherein any houſe, building or place ſhall be ſituate, whereof entry ſhall be made as laſt aforeſaid, ſhall as ſoon as may be thereafter, viſit and inſpect, or cauſe to be viſited and inſpected by ſome proper officer or officers of inſpection, every ſuch houſe or other building or place within his diſtrict, and ſhall take or cauſe to be taken, an exact account of the ſpirits therein reſpectively contained, and ſhall mark or cauſe to be marked in durable characters, the ſeveral caſks, caſes or veſſels containing the ſame, with progreſſive numbers, and alſo with the name of each diſtiller to whom the ſame may belong, or in whoſe cuſtody the ſame may be, and the quantities, kinds and proofs of ſpirits therein contained, and theſe words, "Old Stock." And the inſpector of each ſurvey ſhall keep a book, wherein he ſhall enter the name of every diſtiller, and the particulars of ſuch old ſtock in the poſſeſſion of each, deſignating the ſeveral caſks, caſes and veſſels containing the ſame, and their reſpective quantities, kinds, proofs and marks,

Supervifors to inſpect entered buildings, &c.

take an account of the ſpirits therein, & brand the caſks;

an entry of which ſhall be made by the inſpector,

and ſhall alſo give a certificate to every ſuch diſtiller of the quantity and particulars of ſuch old ſtock in his or her poſſeſſion, and a ſeparate certificate for each caſk, caſe or veſſel deſcribing the ſame, which certificate ſhall accompany the ſame whereſoever it ſhall be ſent, and ſuch diſtiller, his or her agent or manager, upon the ſale and delivery of any of the ſaid ſpirits ſhall deliver to the purchaſer or purchaſers thereof, the certificate or certificates that ought to accompany the ſame, on pain of forfeiting fifty dollars for each caſk, caſe or veſſel, with which ſuch certificate ſhall not be delivered.

and a certificate given to the proprietor.

Importers of diſtilled ſpirits when to make entry thereof, & duty of the inſpectors thereupon;

Sec. 27. *And be it further enacted*, That every importer of diſtilled ſpirits, who, on the firſt day of July next, ſhall have in his or her poſſeſſion any diſtilled ſpirits, ſhall, within three days thereafter, make due entry thereof with the officer of inſpection within whoſe ſurvey the ſame ſhall then be; who ſhall mark the caſks, veſſels or caſes containing ſuch ſpirits, in like manner as is herein before directed touching ſuch ſpirits as ſhall be in the poſſeſſion of diſtillers on the firſt day of July next, and ſhall grant the like certificates therefor as for ſuch ſpirits, which certificates ſhall accompany the reſpective caſks, caſes and veſſels to which they ſhall relate, whereſoever they ſhall be ſent, and ſuch importer, his or her agent, upon the ſale and delivery of any of the ſaid ſpirits, ſhall deliver to the purchaſer or purchaſers thereof the certificate or certificates which ought to accompany the ſame, on pain of forfeiting fifty dollars for each caſk, caſe or veſſel with which ſuch certificate ſhall not be delivered. And if any ſuch importer or importers ſhall refuſe or neglect to make ſuch

entry at the time and in the manner herein directed, all such spirits as shall not be so entered shall be forfeited, and the importer or importers in whose custody the same shall be found, shall moreover forfeit the sum equal to the full value thereof, according to the highest price of such spirits in the market. penalty for neglecting to make such entries.

Sec. 28. *And be it further enacted*, That if any cask, case, or vessel containing distilled spirits, which by the foregoing provisions of this act, ought to be marked and accompanied with a certificate, shall be found in the possession of any person unaccompanied with such marks and certificate, it shall be presumptive evidence that the same are liable to forfeiture, and it shall be lawful for any officer of inspection to seize them as forfeited; and if, upon the trial in consequence of such seizure, the owner or claimant of the spirits seized, shall not prove that the same were imported into the United States according to law, or were distilled as mentioned in the thirteenth and fourteenth sections of this act, and the duties thereupon paid, or were distilled at one of the stills mentioned in the twentieth section of this act, they shall be adjudged to be forfeited. Distilled spirits not branded nor accompanied by a certificate, liable to forfeiture.

Sec. 29. *And be it further enacted*, That it shall be lawful for the officers of inspection of each survey at all times in the day time, upon request, to enter into all and every the houses, store-houses, ware-houses, buildings and places which shall have been entered in manner aforesaid, and by tasting, gauging or otherwise, to take an account of the quantity, kinds and proofs of the said spirits therein contained; and also to take samples thereof, paying for the same the usual price.

Penalty for defacing marks on veſſels.

Sec. 30. *And be it further enacted*, That if any perſon or perſons ſhall rub out or deface any of the marks ſet upon any caſk, veſſel or caſe purſuant to the directions of this act, ſuch perſon or perſons ſhall, for every ſuch offence, forfeit and pay the ſum of one hundred dollars.

No veſſels marked to be uſed for other ſpirits.

Sec. 31. *And be it further enacted*, That no caſk, barrel, keg, veſſel or caſe, marked as "Old Stock," ſhall be made uſe of by any diſtiller of ſpirits, for putting or keeping therein any ſpirits other than thoſe which were contained therein when ſo marked, on pain of forfeiting the ſum of one hundred dollars for every caſk, barrel, keg, veſſel or caſe wherein any ſuch ſpirits ſhall be ſo put or kept; neither

How long liquors ſhall be kept.

ſhall any ſuch diſtiller have or keep any diſtilled ſpirits in any ſuch caſk, barrel, keg, veſſel or caſe, longer than for the ſpace of one year from the ſaid laſt day of June next, on pain of

Proviſo in caſe of certain veſſels.

forfeiting the ſaid ſpirits: *Provided*, That nothing in this ſection contained ſhall be conſtrued to extend to caſks or veſſels, capable of containing two hundred gallons and upwards, and which are not intended to be removed.

Spirits fraudulently concealed to be forfeited.

Sec. 32. *And be it further enacted*, That in caſe any of the ſaid ſpirits ſhall be fraudulently depoſited, hid or concealed in any place whatſoever, with intent to evade the duties thereby impoſed upon them, they ſhall be forfeited. And for the better diſcovery of any ſuch ſpirits ſo fraudulently depoſited, hid or concealed, it ſhall be lawful for any judge of of any court of the United States, or either of them, or for any juſtice of the peace, upon reaſonable cauſe of ſuſpicion, to be made out to the ſatisfaction of ſuch judge or juſtice, by the oath or affirmation of any perſon or per-

ſons, by ſpecial warrant or warrants under their reſpective hands and ſeals, to authorize any of the officers of inſpection, by day, in the preſence of a conſtable or other officer of the peace, to enter into all and every ſuch place or places in which any of the ſaid ſpirits ſhall be ſuſpected to be ſo fraudulently depoſited, hid or concealed, and to ſeize and carry away any of the ſaid ſpirits which ſhall be there found ſo fraudulently depoſited, hid or concealed, as forfeited.

Suſpected places to be ſearched by warrant of a judge or juſtice of the peace.

Sec. 33. *And be it further enacted*, That after the laſt day of June next, no ſpirituous liquors except gin or cordials in caſes, jugs or bottles, ſhall be brought from any foreign port or place, in caſks of leſs capacity than fifty gallons at the leaſt, on pain of forfeiting of the ſaid ſpirits, and of the ſhip or veſſel in which they ſhall be brought: *Provided always*, That nothing in this act contained ſhall be conſtrued to forfeit any ſpirits for being imported or brought into the United States, in other caſks or veſſels than as aforeſaid, or the ſhip or veſſel in which they ſhall be brought, if ſuch ſpirits ſhall be for the uſe of the ſeamen on board ſuch ſhip or veſſel, and ſhall not exceed the quantity of four gallons for each ſeaman.

Spiritous liquors except gin or cordials in certain veſſels to be forfeited.

Proviſo.

Sec. 34. *And be it further enacted*, That in every caſe in which any of the ſaid ſpirits ſhall be forfeited by virtue of this act, the caſks, veſſels and caſes containing the ſame, ſhall alſo be forfeited.

Forfeiture of veſſels.

Sec. 35. *And be it further enacted*, That every diſtiller of ſpirits, on which the duty is hereby charged by the gallon, ſhall keep or cauſe to be kept, an exact account of the ſaid ſpirits, which he or ſhe ſhall ſell, ſend out or

Diſtillers to make entries of the kinds and quantity of ſpirits.

diſtil, diſtinguiſhing their ſeveral kinds and proofs; and ſhall every day make a juſt and true entry in a book, to be kept for that purpoſe, of the quantities and particulars of the ſaid ſpirits by him or her ſold, ſent out or diſtilled on the preceding day; ſpecifying the marks of the ſeveral caſks in which they ſhall be ſo ſold or ſent out, and the perſon to whom and for whoſe uſe they ſhall be ſo ſold or ſent out: which ſaid books ſhall be prepared for the making ſuch entries, and ſhall be delivered upon demand, to the ſaid diſtillers, by the ſupervifors of the revenue of the ſeveral diſtricts, or by ſuch perſon or perſons as they ſhall reſpectively for that purpoſe appoint, and ſhall be ſeverally returned or delivered at the end of each year, or when the ſame ſhall be reſpectively filled up, (which ſhall firſt happen) to the proper officers of inſpection; and the truth of the entries made therein ſhall be verified, upon the oath or affirmation of the perſon by whom thoſe entries ſhall have been made, and as often as the ſaid books ſhall be furniſhed upon like demand by the proper officers of inſpection, to the ſaid diſtillers reſpectively. And the ſaid books ſhall from time to time while in the poſſeſſion of the ſaid diſtillers, lie open for the inſpection of, and upon requeſt ſhall be ſhewn to the proper officers of inſpection under whoſe ſurvey the ſaid diſtillers ſhall reſpectively be, who may take ſuch minutes, memorandums, or tranſcripts thereof, as they may think fit. And if any ſuch diſtiller, ſhall neglect or refuſe to keep ſuch book or books, or to make ſuch entries therein, or to ſhew the ſame upon requeſt, to the proper officer of inſpection, or not return the ſame according to the directions of this act, he

To be examined by officers of inſpection;

Penalty for refuſal or neglect.

or ſhe ſhall forfeit for every ſuch refuſal or neglect, the ſum of one hundred dollars.

Penalties impoſed by this act, not to extend in certain caſes.

Sec. 36. *And be it further enacted*, That the penalties by this act impoſed on diſtillers for neglecting to make report to the inſpectors, of their intentions of diſtilling ſpirits, or for neglecting to mark the houſes, apartments or veſſels to be employed, or for neglecting to enter in books the quantity of ſpirits diſtilled, ſhall not extend to any perſon who ſhall employ one ſtill only, and that of a capacity not exceeding fifty gallons, including the ſtill-head.

Proof of ſpirits how diſtinguiſhed.

Sec. 37. *And be it further enacted*, That the ſeveral kinds of proof herein before ſpecified, ſhall in marking the caſks, veſſels and caſes containing any diſtilled ſpirits, be diſtinguiſhed correſponding with the order in which they are mentioned by the words "FIRST "PROOF;" "SECOND PROOF;" "THIRD PROOF;" FOURTH PROOF;" "FIFTH PROOF;" "SIXTH PROOF." And that it be the duty of the Secretary of the Treaſury, to provide and furniſh to the officers of inſpection and of the cuſtoms, proper inſtruments for aſcertaining the ſaid ſeveral proofs.

Secretary of the treaſury to provide inſtruments for aſcertaining them.

Proceedings in caſe of ſeizures by officers of inſpection.

Sec. 38. *And be it further enacted*, That in any proſecution or action which may be brought againſt any ſuperviſor or other officer of inſpection, for any ſeizure by him made, it ſhall be neceſſary for ſuch ſuperviſor or officer to juſtify himſelf by making it appear that there was probable cauſe for making the ſaid ſeizure; upon which, and not otherwiſe, a verdict ſhall paſs in his favor. And in any ſuch action or proſecution, or in any action or proſecution which may be brought againſt ſuch

ſuperviſor or other officer, for irregular or improper conduct in the execution of his duty, the trial ſhall be by jury. And in any action for a ſeizure, in which a verdict ſhall paſs for ſuch officer, the jury ſhall nevertheleſs aſſeſs reaſonable damages for any prejudice or waſte (according to the true amount in value thereof) which ſhall be ſhewn by good proof to have happened to the ſpirits ſeized, in conſequence of ſuch ſeizure; and alſo for the detention of the ſame, at the rate of ſix per cent per annum, on the true value of the ſaid ſpirits at the time of ſuch ſeizure, from that time to the time of reſtoration thereof; which ſhall be paid out of the treaſury of the United States: *Provided*, That no damages ſhall be aſſeſſed when the ſeizure was made for want of the proper certificate or certificates, or by reaſon of a refuſal to ſhew any officer of inſpection, upon his requeſt, the ſpirits in any entered houſe, building or place: *And provided alſo*, That if it ſhall appear from the verdict of the jury, that any ſuch prejudice or waſte was ſuſtained by the negligence of the officer, he ſhall be reſponſible therefor to the United States.

Damages for want of proper certificates, or negligence, to be ſuſtained by the officers.

Penalty on ſupervi-ſors, &c. convicted of oppreſſion or extortion.

Sec. 39. *And be it further enacted*, That if any ſuperviſor or other officer of inſpection, in any criminal proſecution againſt him, ſhall be convicted of oppreſſion or extortion in the execution of his office, he ſhall be fined not exceeding five hundred dollars, or impriſoned not exceeding ſix months, or both, at the diſcretion of the court; and ſhall alſo forfeit his office.

No fees to be taken for certificates granted.

Sec. 40. *And be it further enacted*, That no fee ſhall be taken for any certificate to be iſſued or granted purſuant to this act.

Sec. 41. *And be it further enacted*, That if any of the ſaid ſupervifors or other officers of inſpection, ſhall neglect to perform any of the duties hereby enjoined upon them reſpectively, according to the true intent and meaning of this act, whereby any perſon or perſons ſhall be injured or ſuffer damage, ſuch perſon or perſons ſhall and may have an action founded upon this act, againſt ſuch ſupervifors or other officers, and ſhall recover full damages for the ſame, together with coſts of ſuit.

Penalty on officers for neglect of duty.

Sec. 42. *And be it further enacted*, That any action or ſuit to be brought againſt any perſon or perſons, for any thing by him or them done in purſuance of this act, ſhall be commenced within three months next after the matter or thing done, and unleſs brought in a court of the United States, ſhall be laid in the county in which the cauſe of action ſhall have ariſen; and the defendant or defendants in any ſuch action or ſuit, may plead the general iſſue, and on the trial thereof give this act and the ſpecial matter, in evidence; and if a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs become nonſuited, or diſcontinue his, her or their action or proſecution, or judgment ſhall be given againſt ſuch plaintiff or plaintiffs, upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have coſts awarded to him, her or them, againſt ſuch plaintiff or plaintiffs.

Proceedings in caſe of ſuits, & when to be commenced.

And in order that perſons who may have incurred any of the penalties of this act, without wilful negligence or intention of fraud, may be relieved from ſuch penalties,

Sec. 43. *Be it further enacted*, That it ſhall be lawful for the judge of the diſtrict within which ſuch penalty or forfeiture ſhall have been incurred, at any time within one year

Secretary of the treasury authorized to mitigate or remit forfeitures & penalties in certain cases.

after the laſt day of June next, upon petition of the party who ſhall have incurred the ſame, to enquire in a ſummary way into the circumſtances of the caſe, firſt cauſing reaſonable notice to be given to the perſon or perſons claiming ſuch penalty or forfeiture, and to the attorney of ſuch diſtrict; to the end that each may have an opportunity of ſhewing cauſe againſt the mitigation or remiſſion thereof; and ſhall cauſe the facts which ſhall appear upon ſuch enquiry, to be ſtated and annexed to the petition, and direct their tranſmiſſion to the Secretary of the Treaſury of the United States, who ſhall thereupon have power to mitigate or remit ſuch penalty or forfeiture, if it ſhall appear to him that ſuch penalty or forfeiture was incurred without wilful negligence, or any deſign or intention of fraud, and to cauſe any ſpirits which may have been ſeized to be reſtored to the proprietor or proprietors, upon ſuch terms and conditions as ſhall appear to him reaſonable.

Appropriation of forfeitures and penalties.

Sec. 44. *And be it further enacted*, That the one half of all penalties and forfeitures incurred by virtue of this act, except as above provided, ſhall be for the benefit of the perſon or perſons who ſhall make a ſeizure, or who ſhall firſt diſcover the matter or thing whereby the ſame ſhall have been incurred; and the other half to the uſe of the United States. And ſuch penalty and forfeiture ſhall be recoverable with coſts of ſuit, by action of debt, in the name of the perſon or perſons intitled thereto, or by information, in the name of the United States of America; and it ſhall be the duty of the attorney of the diſtrict wherein any ſuch penalty or forfeiture may have been incurred, upon application to him, to inſtitute or bring ſuch information accor-

dingly: *Provided always*, That no officer of inſpection other than chief officer, or officers of a ſurvey, ſhall be intitled to the benefit of any forfeiture unleſs notice of the ſeizure by him made, ſhall be by him given within forty-eight hours next after ſuch ſeizure, to the ſaid chief officer or officers; but in ſuch caſe the United States ſhall have the entire benefit of ſuch forfeiture.

Sec. 45. *And be it further enacted*, That if any perſon or perſons ſhall counterfeit or forge, or cauſe to be counterfeited or forged any of the certificates herein before directed to be given, or ſhall knowingly or willingly accept or receive any falſe or untrue certificate with any of the ſaid ſpirits, or ſhall fraudulently alter or eraſe any ſuch certificate after the ſame ſhall be given, or knowingly or willingly publiſh or make uſe of ſuch certificate ſo counterfeited, forged, falſe, untrue, altered or eraſed, every perſon ſo offending, ſhall, for each and every offence, forfeit and pay the ſum of five hundred dollars.

Puniſhment on perſons convicted of counterfeiting certificates.

Sec. 46. *And be it further enacted*, That any perſon or perſons that ſhall be convicted of wilfully taking a falſe oath or affirmation, in any of the caſes in which oaths or affirmations are required to be taken by virtue of this act, ſhall be liable to the pains and penalties to which perſons are liable for wilful and corrupt perjury.

Perſons convicted of falſe oath or affirmation, how to be puniſhed.

Sec. 47. *And be it further enacted*, That if any perſon or perſons ſhall give, or offer to give any bribe, recompence or reward whatſoever, to any ſupervifor or other officer of inſpection of the revenue, in order to corrupt, perſuade or prevail upon ſuch officer, either to do any act or acts contrary to his duty in

Penalty for offering bribes to officers of revenue,

the execution of this act, or to neglect or omit to do any act or thing which he ought to do in the execution of this act, or to connive at or to conceal any fraud or frauds relating to the duties hereby impoſed on any of the ſaid ſpirits, or not to diſcover the ſame, every ſuch perſon or perſons, ſhall for ſuch offence, whether the ſame offer or propoſal be accepted or not, forfeit and pay a ſum not exceeding five hundred dollars.

and forcibly obſtructing them in the execution of their duty.

Sec. 48. *And be it further enacted*, That if any perſon or perſons ſhall forcibly obſtruct or hinder any ſupervifor or other officer of inſpection, in the execution of this act or of any of the powers or authorities hereby veſted in him, or ſhall forcibly reſcue or cauſe to be reſcued, any of the ſaid ſpirits after the ſame ſhall have been ſeized by any ſuch ſupervifor or other officer, or ſhall attempt or endeavor ſo to do, all and every perſon and perſons ſo offending, ſhall, for every ſuch offence, for which no other penalty is particularly provided by this act, forfeit and pay a ſum not exceeding two hundred dollars.

Supervifors entering into colluſion, falſe marking any caſks or veſſels, or embezzling public money, how to be puniſhed.

Sec. 49. *And be it further enacted*, That if any ſuch ſupervifor or other officer, ſhall enter into any colluſion with any perſon or perſons for violating or evading any of the proviſions of this act, or the duties hereby impoſed, or ſhall fraudulently concur in the delivery of any of the ſaid ſpirits, out of any houſe, building or place, wherein the ſame are depoſited, without payment or ſecurity for the payment of the duties thereupon, or ſhall falſely or fraudulently mark any caſk, caſe or veſſel, contrary to any of the ſaid proviſions, or ſhall embezzle the public money or otherwiſe be guilty of fraud in his office, ſuch ſupervifor or other officer ſhall for every ſuch offence forfeit the

ſum of one thouſand dollars, and upon conviction of any of the ſaid offences, ſhall forfeit his office, and ſhall be diſqualified for holding any other office under the United States.

Sec. 50. *And be it further enacted*, That in every caſe in which an oath or affirmation is required by virtue of this act, it ſhall be lawful for the ſuperviſors of the revenue, or any of them, or their lawful deputy, or the lawful deputy of one of them, where not more than one in a diſtrict, to adminiſter and take ſuch oath or affirmation. And that wherever there are more than one ſuperviſor for one diſtrict, a majority of them may execute all and any of the powers and authorities hereby veſted in the ſuperviſors of the revenue: *Provided*, That this ſhall not be conſtrued to make a majority neceſſary in any caſe in which, according to the nature of the appointment or ſervice, and the true intent of this act, the authority is or ought to be ſeveral.

Superviſors may adminiſter oath or affirmation, and

powers veſted in majority not to extend to caſes where the authority ought to be ſeveral.

And for the encouragement of the export-trade of the United States:

Sec. 51. *Be it further enacted*, That if any of the ſaid ſpirits (whereupon any of the duties impoſed by this act ſhall have been paid or ſecured to be paid) ſhall after the laſt day of June next, be exported from the United States to any foreign port or place, there ſhall be an allowance to the exporter or exporters thereof, by way of draw-back, equal to the duties thereupon, according to the rates in each caſe by this act impoſed, deducting therefrom half a cent per gallon, and adding to the allowance upon ſpirits diſtilled within the United States, from molaſſes, which ſhall be ſo exported, three cents per gallon, as an equi-

Allowance to exporters,

valent for the duty laid upon molaſſes by the ſaid act making further proviſion for the payment of the debts of the United States: *Provided always*, That the ſaid allowance ſhall not be made, unleſs the ſaid exporter or exporters ſhall obſerve the regulations herein after preſcribed: *And provided further*, That nothing herein contained ſhall be conſtrued to alter the provisions in the ſaid former act, concerning drawbacks or allowances, in nature thereof, upon ſpirits imported prior to the firſt day of July next.

under what reſtrictions.

Sec. 52. *And be it further enacted*, That in order to intitle the ſaid exporter or exporters to the benefit of the ſaid allowances, he, ſhe or they, ſhall previous to putting or lading any of the ſaid ſpirits on board of any ſhip or veſſel for exportation, give twenty-four hours notice at the leaſt, to the proper officer of inſpection of the port from which the ſaid ſpirits ſhall be intended to be exported, of his, her or their intention to export the ſame, and of the number of caſks, veſſels and caſes, or either of them, containing the ſaid ſpirits ſo intended to be exported, and of the reſpective marks thereof, and of the place or places where the ſaid ſpirits ſhall be then depoſited, and of the place to which, and ſhip or veſſel in which they ſhall be ſo intended to be exported. Whereupon it ſhall be the duty of the ſaid officer to inſpect, by himſelf or deputy, the caſks, veſſels and caſes ſo noticed for exportation, and the quantities, kinds and proofs of the ſpirits therein, together with the certificates which ought to accompany the ſame according to the directions of this act, which ſhall be produced to him for that purpoſe; and if he ſhall find that the ſaid caſks, veſſels and caſes have the

Allowance to exporters under what reſtrictions.

proper marks according to the directions of this act, and that the ſpirits therein correſpond with the ſaid certificates, he ſhall thereupon brand each caſk, veſſel or caſe with the word "Exportation;" and the ſaid ſpirits ſhall, after ſuch inſpection, be laden on board the ſame ſhip or veſſel, of which notice ſhall have been given, and in the preſence of the ſame officer who ſhall have examined the ſame, and whoſe duty it ſhall be to attend for that purpoſe. And after the ſaid ſpirits ſhall be laden on board ſuch ſhip or veſſel, the certificates aforeſaid ſhall be delivered to the ſaid officer, who ſhall certify to the collector of the ſaid diſtrict, the amount and particulars of the ſpirits ſo exported, and ſhall alſo deliver the ſaid certificates which ſhall have been by him received, to the ſaid collector, which ſhall be a voucher to him, for payment of the ſaid allowance.

Upon what proof the allowance ſhall be made,

Sec. 53. *Provided nevertheleſs, and be it further enacted,* That the ſaid allowance ſhall not be made, unleſs the ſaid exporter or exporters ſhall make oath, or affirmation, that the ſaid ſpirits ſo noticed for exportation, and laden on board ſuch ſhip or veſſel, are truly intended to be exported to the place whereof notice ſhall have been given, and are not intended to be relanded within the United States; and that he or ſhe doth verily believe that the duties thereupon charged by this act, have been duly paid, or ſecured to be paid; and ſhall alſo give bond to the collector, with two ſureties, one of whom ſhall be the maſter, or other perſon having the command or charge of the ſhip or veſſel in which the ſaid ſpirits ſhall be intended to be exported; the other, ſuch ſufficient perſon as ſhall be approved by the ſaid collector,

in the full value in the judgment of the ſaid collector, of the ſaid ſpirits ſo intended to be exported, with condition that the ſaid ſpirits (the dangers of the ſeas and enemies excepted) ſhall be really and truly exported to, and landed in ſome port or place without the limits of the United States, and that the ſaid ſpirits ſhall not be unſhipped from on board of the ſaid ſhip or veſſel, whereupon the ſame ſhall have been laden for exportation, within the ſaid limits, or any ports or harbors of the United States, or relanded in any other part of the ſame (ſhipwreck or other unavoidable accident excepted.)

and when paid

Sec. 54. *Provided alſo, and be it further enacted*, That the ſaid allowance ſhall not be paid until ſix months after the ſaid ſpirits ſhall have been ſo exported: *And provided alſo*, That whenever the owner of any ſhip or veſſel, on board of which any ſuch ſpirits are laden for exportation, ſhall make known to the collector, previous to the departure of ſuch ſhip or veſſel from the port where ſuch ſpirits are laden, that ſuch ſhip or veſſel is not going to proceed the voyage intended or the voyage is altered, it ſhall be lawful for the collector to grant a permit for the relanding the ſame.

Forfeiture where ſpirits ſhipped for exportation ſhall be relanded within U. States, excepting in certain caſes.

Sec. 55. *And be it further enacted*, That if any of the ſaid ſpirits, after the ſame ſhall have been ſhipped for exportation, ſhall be unſhipped for any purpoſe whatever, either within the limits of any part of the United States, or within four leagues of the coaſt thereof, or ſhall be relanded within the United States, from on board the ſhip or veſſel wherein the ſame ſhall have been laden for exportation, unleſs the voyage ſhall not be proceeded on, or ſhall be altered as aforeſaid, or unleſs in caſe of

neceſſity or diſtreſs to ſave the ſhip and goods from periſhing, which ſhall be immediately made known to the principal officer of the cuſtoms, reſiding at the port neareſt to which ſuch ſhip or veſſel ſhall be at the time ſuch neceſſity or diſtreſs ſhall ariſe, then not only the ſpirits ſo unſhipped, together with the caſks, veſſels and caſes containing the ſame, but alſo the ſhip or veſſel in or on board which the ſame ſhall have been ſo ſhipped or laden, together with her guns, furniture, ammunition, tackle and apparel; and alſo the ſhip, veſſel or boat into which the ſaid ſpirits ſhall be unſhipped or put, after the unſhipping thereof, together with her guns, furniture, ammunition, tackle and apparel, ſhall be forfeited, and may be ſeized by any officer of the cuſtoms, or of inſpection.

On ſpirits exported in other than a ſhip or veſſel of 30 tons and upwards, allowance not to be made.

Sec. 56. *And be it further enacted*, That the ſaid allowance ſhall not be made when the ſaid ſpirits ſhall be exported in any other than a ſhip or veſſel of the burthen of thirty tons and upwards, to be aſcertained to the ſatisfaction of the collector of the diſtrict from which the ſame ſhall be intended to be exported.

When bonds may be diſcharged, and under certain proofs.

Sec. 57. *And be it further enacted*, That the bonds to be given as aforeſaid, ſhall and may be diſcharged by producing within one year from the reſpective dates thereof (if the ſame be ſhipped to any part of Europe or America, and within two years if ſhipped to any part of Aſia or Africa, and if the delivery of the ſpirits in reſpect to which the ſame ſhall have been given, be at any place where a conſul or other agent of the United States reſides) a certificate of ſuch conſul or agent, or if there be no ſuch conſul or agent, then a certificate of any two known and reputable American merchants,

reſiding at the ſaid place; and if there be not two ſuch merchants reſiding at the ſaid place, then a certificate of any other two reputable merchants, teſtifying the delivery of the ſaid ſpirits at the ſaid place. Which certificate ſhall in each caſe be confirmed by the oath or affirmation of the maſter and mate, or other like officer of the veſſel in which the ſaid ſpirits ſhall have been exported; and when ſuch certificate ſhall be from any other than a conſul or agent, or merchants of the United States, it ſhall be a part of the ſaid oath or affirmation, that there were not upon diligent enquiry, to be found two merchants of the United States at the ſaid place: *Provided always*, That in the caſe of death, the oath or affirmation of the party dying, ſhall not be deemed neceſſary: *And provided further*, That the ſaid oath or affirmation, taken before the chief civil magiſtrate of the place of the ſaid delivery, and certified under his hand and ſeal, ſhall be of the ſame validity as if taken before a perſon qualified to adminiſter oaths within the United States; or ſuch bonds ſhall and may be diſcharged upon proof that the ſpirits ſo exported, were taken by enemies or periſhed in the ſea, or deſtroyed by fire; the examination and proof of the ſame being left to the judgment of the collector of the cuſtoms, naval-officer, and chief officer of inſpection, or any two of them, of the place from which ſuch ſpirits ſhall have been exported. And in caſes where the certificates herein directed cannot be obtained, the exporter or exporters of ſuch ſpirits, ſhall nevertheleſs be permitted to offer ſuch other proof as to the delivery of the ſaid ſpirits, without the limits of the United States, as he or they may have;

When bonds may be diſcharged, and under certain proofs,

and if the ſame ſhall be deemed ſufficient by the ſaid collector, he ſhall allow the ſame, except when the drawback to be allowed, ſhall amount to one hundred dollars or upwards; in all which caſes the proofs aforeſaid ſhall be referred to the comptroller of the treaſury, whoſe deciſion thereon ſhall be final. to be referred to comptroller of treaſury, whoſe deciſion thereon ſhall be final.

Sec. 58. *And be it further enacted*, That it ſhall and may be lawful for the Preſident of the United States from time to time, to make ſuch allowances to the ſaid ſuperviſors, inſpectors, and to the deputies and officers by them to be appointed and employed for their reſpective ſervices in the execution of this act, to be paid out of the product of the ſaid duties, as he ſhall deem reaſonable and proper: *Provided always*, That the aggregate amount of the allowances to all the ſaid ſuperviſors, inſpectors and other officers, ſhall not exceed ſeven per cent of the whole product of the duties ariſing from the ſpirits diſtilled within the United States: *And provided alſo*, That ſuch allowance ſhall not exceed the annual amount of forty-five thouſand dollars, until the ſame ſhall be further aſcertained by law. Preſident authorized to make allowance to ſuperviſors, &c. for their ſervices, out of the product of the duties, not to exceed 45,000 dollars annually.

Sec. 59. *And be it further enacted*, That this act ſhall commence and take effect as to all matters therein contained, in reſpect to which no ſpecial commencement is hereby provided (except as to the appointment of officers and regulation of the diſtricts and ſurveys) from and immediately after the laſt day of June next. Commencement of this act.

Sec. 60. *And be it further enacted*, That the nett product of the duties herein before ſpecified, which ſhall be raiſed, levied and collected by virtue of this act, or ſo much thereof as may be neceſſary, ſhall be, and is hereby pledg- Nett product of duties pledged for payment of intereſt on loans.

ed and appropriated for the payment of the intereſt of the ſeveral and reſpective loans which had been made in foreign countries, prior to the fourth day of Auguſt laſt; and alſo upon all and every the loan and loans which have been and ſhall be made, and obtained purſuant to the act, intituled, "An act making proviſion for the debt of the United States;" and according to the true intent and meaning of the ſaid act, and of the ſeveral proviſions and engagements therein contained and expreſſed, and ſubject to the like priorities and reſervations as are made and contained in and by the ſaid act, in reſpect to the monies therein appropriated, and ſubject to this farther reſervation, that is to ſay: Of the nett amount or product during the preſent year, of the duties laid by this act, in addition to thoſe heretofore laid upon ſpirits imported into the United States, from any foreign port or place, and of the duties laid by this act on ſpirits diſtilled within the United States, and on ſtills; to be diſpoſed of towards ſuch purpoſes for which appropriations ſhall be made during the preſent ſeſſion. And to the end that the ſaid monies may be inviolably applied in conformity to the appropriation hereby made, and may never be diverted to any other purpoſe until the final redemption, or reimburſement of the loans or ſums for the payment of the intereſt whereof they are appropriated, an account ſhall be kept of the receipts and diſpoſition thereof, ſeparate and diſtinct from the product of any other duties, impoſt, exciſe, and taxes whatſoever, except thoſe heretofore laid and appropriated to the ſame purpoſes.

and to be inviolably applied thereto.

Sec. 61. *And be it further enacted*, That the unappropriated ſurplus, if any there ſhall be,

of the revenue arising under this act, at the end of this and every succeeding year, shall be applied to the reduction of the public debt, in like manner as is directed by the act, intituled, "An act making provision for the reduction of the public debt;" and provided by the act, intituled, "An act making provision for the debt of the United States;" unless the said surplus, or any part thereof, shall be required for the public exigencies of the United States, and shall, by special acts of Congress, be appropriated thereto.

Unappropriated surplus how to be applied.

Sec. 62. *And be it further enacted*, That the several duties imposed by this act, shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged and satisfied, and no longer. *Provided always*, That nothing herein contained, shall be construed to prevent the legislature of the United States from substituting other duties or taxes of equal value to all or any of the said duties and imposts.

Duties hereby imposed how long to continue.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVI.

An Act making an Appropriation for the Purpoſe therein mentioned.

20,000 dollars appropriated for effecting a recognition of the treaty with Emperor of Morocco; and

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That for the purpoſe of effecting a recognition of the treaty of the United States, with the new Emperor of Morocco, there be, and hereby is appropriated a ſum not exceeding twenty thouſand dollars, to be paid out of the monies which prior to the firſt day of January next, ſhall ariſe from the duties impoſed upon ſpirits diſtilled within the United States, and from ſtills by the act entitled, "An act repealing after the laſt day of June next, the duties heretofore laid upon diſtilled ſpirits imported from abroad, and laying others in their ſtead, and alſo upon ſpirits diſtilled within the United States, and for appropriating the ſame," together with the exceſs of duties which may ariſe from the duties impoſed by the ſaid act, on imported ſpirits beyond thoſe which would have ariſen by the act entitled, "An act making further proviſion for the payment of the debts of the United States." And the Preſident is hereby authorized to take on loan, the whole ſum by this act appropriated, or ſo much thereof as he may judge requiſite, at an intereſt not exceeding ſix per cent. per annum, and the fund eſtabliſhed for the above mentioned appropriation, is hereby pledged for the repayment of the principal and intereſt of any loan to be obtained in manner aforeſaid, and in caſe of any deficiency in the ſaid fund, the faith of the

Preſident authorized to borrow ſaid money.

United States is hereby alſo pledged to make good ſuch deficiency.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XVII.

An Act to amend "An Act, for eſtabliſhing the temporary and permanent Seat of the Government of the United States."

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That ſo much of the act, intitled, "An act for eſtabliſhing the temporary and permanent ſeat of the government of the United States," as requires that the whole of the diſtrict of territory, not exceeding ten miles ſquare, to be located on the river Potowmac, for the permanent ſeat of the government of the United States, ſhall be located above the mouth of the Eaſtern Branch, be and is hereby repealed, and that it ſhall be lawful for the Preſident to make any part of the territory below the ſaid limit, and above the mouth of Hunting Creek, a part of the ſaid diſtrict, ſo as to include a convenient part of the Eaſtern Branch, and of the lands lying

Repealing certain part of the act fixing the permanent ſeat of government of U. States, & veſting the Preſident with certain powers.

on the lower ſide thereof, and alſo the town of Alexandria, and the territory ſo to be included, ſhall form a part of the diſtrict not exceeding ten miles ſquare, for the permanent ſeat of the government of the United States, in like manner and to all intents and purpoſes, as if the ſame had been within the purview of the above recited act: *Provided*, That nothing herein contained, ſhall authorize the erection of the public buildings otherwiſe than on the Maryland ſide of the river Potowmac, as required by the aforeſaid act.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XVIII.

An Act ſupplemental to the Act "eſtabliſhing the Treaſury Department," and for a farther Compenſation to certain Officers.

8th ſection of act eſtabliſhing treaſury department extended to clerks under certain modifications.

Sec. 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That the eighth ſection of the act, intituled, "An act to eſtabliſh the treaſury-department," paſſed the ſecond day of September, one thouſand ſeven hundred and eighty-nine, ſhall be,

and the ſame is hereby extended to all and every of the clerks employed in the treaſury department, as fully and effectually as if they and every of them were ſpecially named therein, except as to the penalty in ſuch ſection mentioned, which in caſe of any ſuch clerk offending againſt the proviſions of the ſaid ſection, ſhall be five hundred dollars, and removal from office.

Clerks and other officers to take an oath or affirmation;

Sec. 2. *And be it further enacted*, That each and every clerk and other officer already appointed in any of the departments of the United States, (and who have not, ſince their appointment, taken the oath or affirmation hereafter mentioned) ſhall within fifteen days after the paſſing of this act, and thoſe who ſhall hereafter be appointed, ſhall before they enter upon the duties of ſuch appointment, take an oath or affirmation before one of the juſtices of the ſupreme court, or one of the judges of a diſtrict court of the United States, to ſupport the Conſtitution of the United States, and alſo an oath or affirmation, well and faithfully to execute the truſt committed to him, which oaths or affirmations, ſubſcribed by ſuch clerk, and certified by the perſon adminiſtering the ſame, ſhall be filed in the office of the perſon employing ſuch clerk.

to be filed in the office where employed.

Principals may apportion the 5000 dols. allowed to each, excepting chief, according to merit.

Sec. 3. *And be it further enacted*, That it ſhall and may be lawful for the principal in any of the offices of the United States, who is authorized by law to appoint clerks under him, to allow to each clerk ſuch compenſation for his ſervices, as he ſhall, in the opinion of ſuch officer, deſerve for the ſame: *Provided*, That the whole ſum to be expended for clerks in any ſuch office (except the chief clerk) ſhall not exceed a ſum equal to five hundred dol-

lars per annum for every clerk employed therein.

Additional allowance for one year to regiſter, auditor, comptroller & attorney-general.

Sec. 4. *And be it further enacted by the authority aforeſaid*, That there ſhall be allowed for one year, commencing with the paſſing of this act, to the Regiſter, two hundred and fifty dollars, and to the Auditor, the Comptroller of the Treaſury, and the Attorney-General, four hundred dollars each, in addition to their reſpective ſalaries, and to be paid in the ſame manner.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XIX.

An Act relative to the Rix-Dollar of Denmark.

BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That ſo much of an act, intituled, "An act to provide more effectually for the collection of the duties impoſed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ſhips or veſſels," as hath rated the rix-dollar of Denmark at one hundred cents,

Part of the act rating rix dollar of Denmark at 100 cents repealed.

be, and the ſame is hereby repealed; and that this repeal ſhall be deemed to operate in reſpect to all duties which have already ariſen or accrued, as well as to ſuch as ſhall hereafter ariſe or accrue.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XX.

An Act in Addition to an Act, intituled, "An Act for eſtabliſhing the Salaries of the Executive Officers of Government, with their Aſſiſtants and Clerks.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled,* That from and after the paſſing of this act, there ſhall be allowed to the chief clerk of the auditor, the annual ſum of two hundred dollars, in addition to the ſalary allowed to him by the act, intituled, "An act eſtabliſhing the ſalaries of the executive officers of government, with their aſſiſtants and clerks," to be paid at the treaſury of the United States, in quarterly payments, and from like appro-

Further annual allowance of 200 dollars to chief clerk to the auditor.

priations as may be aſſigned for the payment of the other ſalaries mentioned in the above recited act.

Allowance of expenſes in removing from New-York to Philadelphia, to clerks employed in the ſeveral offices;

Sec. 2. *And be it further enacted*, That there be allowed to the clerks employed in the ſeveral offices attached to the ſeat of government, in addition to their reſpective ſalaries, their reaſonable and neceſſary expences incurred by the removal of Congreſs from the city of New-York, to the city of Philadelphia.

and of 400 dollars for 1 year to aſſiſtant ſecretary of the treaſury.

Sec. 3. *And be it further enacted*, That there be allowed to the aſſiſtant ſecretary of the treaſury, in addition to his ſalary for one year, commencing with the paſſing of this act, four hundred dollars, to be paid in the ſame manner as his ſalary.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXI.

An Act for making Compenſations to the Commiſſioners of Loans, for extraordinary Expenſes.
(EXPIRED.)

CHAPTER XXII.

An Act providing Compensations for the Officers of the Judicial Courts of the United States, and for Jurors and Witnesses, and for other Purposes.

(REPEALED.)

CHAPTER XXIII.

An Act to continue in Force for a limited Time, an Act, intituled, "An Act for the temporary Establishment of the Post-Office."

(EXPIRED.)

CHAPTER XXIV.

An Act to continue in Force the Act therein mentioned, and to make further Provision for the Payment of Pensions to Invalids, and for the Support of Light-Houses, Beacons, Buoys, and public Piers.

Sec. 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled, "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be and is hereby continued in force until the end of the next session of Congress, and no longer.

Act for mitigating or remitting forfeitures, &c. continued.

Penſions to invalids for 1 year to be paid out of treaſury.

Sec. 2. *And be it further enacted*, That the yearly penſions which have been allowed by or in purſuance of any act or law of the United States, to perſons who were wounded and diſabled during the late war, ſhall for the ſpace of one year from the fourth day of March next, be paid out of the treaſury of the United States, under ſuch regulations as the Preſident of the United States may direct.

Expenſes from 1ſt July next of all light-houſes, &c. to be defrayed by U. States till July 1792.

Sec. 3. *And be it further enacted*, That all expenſes which ſhall accrue from the firſt day of July next, incluſively for the neceſſary ſupport, maintenance and repairs of all light-houſes, beacons, buoys, and public piers, ſhall continue to be defrayed by the United States, until the firſt day of July, in the year one thouſand ſeven hundred and ninety-two, notwithſtanding ſuch light-houſes, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, and the juriſdiction of the ſame, ſhall not in the mean time be ceded to or veſted in the United States, by the ſtate or ſtates reſpectively, in which the ſame may be, and that the ſaid time be further allowed to the ſtates reſpectively, to make ſuch ceſſion.

Power to the Preſident to pardon offences not reſtrained.

Provided, That nothing in the ſaid act ſhall be conſtrued to limit or reſtrain the power of the Preſident of the United States, to grant pardons for offences againſt the United States.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.
JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:
GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXV.

An Act ſupplementory to the Act, making Proviſion for the Reduction of the Public Debt.

WHEREAS it hath been made known to Congreſs that the Preſident of the United States, in conſequence of "An act making proviſion for the reduction of the public debt," hath cauſed a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an intereſt of five per centum per annum, and reimburſable in ſix yearly inſtalments, commencing in the year one thouſand eight hundred, and ending in the year one thouſand eight hundred and ſix, or at any time ſooner, in whole or in part, at the option of the United States.

Loan in Holland of 3,000,000 florins, at 5 per cent. per annum,

And whereas it hath been alſo ſtated to Congreſs, that the charges upon the ſaid loan have amounted to four and a half per centum, whereby a doubt hath ariſen, whether the ſaid loan be within the meaning of the ſaid laſt mentioned act, which limits the rate of intereſt to five per centum per annum;

whereon the charges are 4 & 1-2 per cent.

And whereas it is expedient that the ſaid doubt be removed;

BE it enacted and declared by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs, That the loan aforeſaid ſhall be deemed and conſtrued to be within the true intent and meaning of the ſaid act, intituled "An act making proviſion for the reduction of the public debt," and that any farther loan, to the extent of the principal ſum authorized to be borrowed by the ſaid act, the intereſt whereof ſhall be five per centum per

declared to be within the meaning of the act providing for the reduction of the public debt, & alſo further loans on the like terms.

annum, and the charges whereof ſhall not exceed the ſaid rate of four and a half per centum, ſhall, in like manner, be deemed and conſtrued to be within the true intent and meaning of the ſaid act.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXVI.

An Act making farther Proviſion for the Collection of the Duties by Law impoſed on Teas, and to prolong the Term for the Payment of the Duties on Wines.

WHEREAS it is conceived that the following regulations concerning teas may be conducive both to the accommodation of the importers thereof, and to the ſecurity of the revenue;

Section 1. *BE it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That in addition to the proviſions contained in the fortieth and forty-firſt ſections of the act, intituled, "An act to provide more effectually for the collection of the duties impoſed by law on goods, wares and merchandize imported into

the United States, and on the tonnage of ſhips or veſſels," as they regard the payment, or ſecuring the payment of the duties on teas, it ſhall be lawful for every importer of teas, if he or ſhe ſhall elect ſo to do, to give his or her bond to the collector of the diſtrict in which any of the ſaid teas ſhall be landed, in double the amount of the duties thereupon, with condition for the payment of the ſaid duties in two years from the date of ſuch bond; which bond ſhall be accepted by ſuch collector, without ſurety, upon the terms following; that is to ſay: The teas, for the duties whereof the ſaid bond ſhall be accepted, ſhall be depoſited at the expenſe and riſk of the ſaid importer, in one or more ſtorehouſe or ſtorehouſes, as the caſe may require, to be agreed upon between the ſaid importer and the inſpector, or other officer of inſpection of the revenue, for the port where the ſaid teas ſhall be landed; and upon every ſuch ſtorehouſe, the ſaid inſpector or officer of inſpection ſhall cauſe to be affixed two locks, the key of one of which locks ſhall be kept by ſuch importer, his or her agent, and the key of the other of which locks ſhall be kept by the ſaid inſpector, or by ſuch other perſon as he ſhall depute and appoint in that behalf; whoſe duty it ſhall be to attend at all reaſonable times for the purpoſe of delivering the ſaid teas out of the ſaid ſtorehouſe or ſtorehouſes. But no delivery ſhall be made of any of the ſaid teas without a permit in writing, under the hand of the ſaid inſpector or officer of inſpection. And in order to the obtaining of ſuch permit, it ſhall be neceſſary that the duties upon the teas, for which the ſame ſhall be required, be firſt paid, or, at the option of the party or parties applying for the

Importers of teas to give bond for double the amount of the duties thereon payable in 2 years, &

depoſit the teas in ſtore houſes.

No delivery thereof to be made without a permit, &

no permit granted without the duties firſt paid or ſecured.

ſame, ſecured to be paid in manner following; that is to ſay: The ſaid party or parties ſhall give bond with one or more ſurety or ſureties to the ſatisfaction of the ſaid inſpector, in double the amount of the duties upon the quantity of teas in each caſe to be delivered, with condition for the payment of the ſaid duties, if the ſame ſhall not exceed one hundred dollars in four months; or, if the ſame ſhall exceed one hundred dollars, and ſhall not exceed five hundred dollars, in eight months; or, if the ſame ſhall exceed five hundred dollars, in twelve months: *Provided always*, That the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, ſhall not be ſuch as to extend the credit for ſuch duties beyond the term of two years originally allowed upon the depoſiting of the ſaid teas.

Time allowed for payment of duties not to be extended.

Teas depoſited on which duties are not paid nor ſecured,

Sec. 2. *And be it further enacted*, That if the duties on any parcel of teas, which ſhall have been depoſited as aforeſaid, ſhall not have been paid or ſecured to be paid in manner laſt ſpecified, within the term of two years, according to the condition of the obligation to be given to the collector of the diſtrict, within which the ſame ſhall have been landed, it ſhall be the duty of the ſaid collector to cauſe ſo much of the ſaid teas, as may be neceſſary, to be ſold at public auction, and retaining the ſum which ſhall not have been ſo paid or ſecured of the ſaid duties, together with the expenſes of ſafe keeping and ſale of the ſaid teas, ſhall return the overplus, if any, to the owner or owners thereof, his, her or their agent or lawful repreſentative.

to be ſold by collector for that purpoſe & overplus returned to the owner.

Sec. 3. *And be it further enacted*, That the bonds which have been or ſhall be directed to be given, by this or any other act, for monies

or duties to be paid or performed to the United States, ſhall be taken in the name of the United States of America; unleſs ſpecial direction ſhall have been given to take them in ſome other name. And the bonds to be taken as aforeſaid, by any inſpector of the revenue, ſhall be delivered by him forthwith to the collector of the diſtrict within which the teas, to which they may relate, ſhall have been landed, in order to the collection of the monies therein ſpecified. And the permits which ſhall have been granted by ſuch inſpector, for the delivery of any teas, out of any ſtorehouſe wherein they ſhall have been depoſited, ſhall be received by ſuch collector towards ſatisfying any bond, which ſhall have been, in the firſt inſtance, taken by the ſaid collector, touching the ſaid teas; which permits ſhall therefore ſpecify the amount of the duties which ſhall have been paid or ſecured upon the teas to be delivered in virtue thereof; and the name of the ſhip or veſſel in which they ſhall have been imported, and of the importer or importers thereof.

Bonds for monies or duties to be taken in the name of the U. States, & delivered to collector of the diſtrict wherein they are to be collected.

Sec. 4. *And be it further enacted*, That all teas, which after the firſt day of April next, ſhall be imported into the United States from any foreign port or place, ſhall be landed under the care of the inſpectors of the revenue for the ports where the ſame ſhall be reſpectively landed; and for that purpoſe every permit which ſhall be granted by any collector, for landing the ſame, ſhall, prior to ſuch landing, be produced to the ſaid inſpector, who by an endorſement thereupon under his hand, ſhall ſignify the production thereof to him, and the time when; after which, and not otherwiſe, it ſhall be lawful to land the teas mentioned in ſuch permit. And the ſaid in-

Teas imported after April next to be landed under inſpection of inſpectors;

permits given for its landing entered by them and the cheſts containing it marked,

and

correſpondent certificates granted.

ſpector ſhall make an entry of all ſuch permits, and of the contents thereof; and each cheſt, box or package containing any teas, ſhall be marked by the officer under whoſe immediate inſpection the ſame ſhall be landed, in legible and durable characters, with progreſſive numbers, and with the name of the veſſel in which the ſame ſhall have been imported. And the ſaid officer ſhall grant a certificate for each ſuch cheſt, box or package, ſpecifying therein the name or names of the importer or importers, the ſhip or veſſel in which the ſame ſhall have been imported, and the number thereof to accompany the ſame whereſoever it ſhall be ſent.

And whereas, for the payment of the duties accruing on Madeira wines, and which may be ſecured by bond, the term of twelve months is allowed; and it is proper to extend, in like manner, the payment of the duties accruing on other wines;

Term for payment of the duties on wine prolonged.

Sec. 5. Therefore, *Be it enacted*, That for the payment of the duties on other than Madeira wines, and which ſhall be ſecured by bond, ſuch bond ſhall be taken with condition for the payment of the duties in twelve months, in like manner as by law is directed for the payment of the duties on Madeira wines.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXVII.

An Act for granting Lands to the Inhabitants and Settlers at Vincennes and the Illinois Country, in the Territory north-weſt of the Ohio, and for confirming them in their Poſſeſſions.

Sec. 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That four hundred acres of land be given to each of thoſe perſons, who in the year one thouſand ſeven hundred and eighty-three, were heads of families at Vincennes or in the Illinois country, on the Miſſiſippi, and who ſince that time have removed from one of the ſaid places to the other. And the governor of the territory north-weſt of the Ohio is hereby directed, to cauſe the ſame to be laid out for them, at their own expenſe either at Vincennes or in the Illinois country, as they ſhall ſeverally elect.

400 acres of land granted to each head of a family; and

Sec. 2. *And be it further enacted and declared*, That the heads of families at Vincennes or in the Illinois country in the year one thouſand ſeven hundred and eighty-three, who afterwards removed without the limits of the ſaid territory, are notwithſtanding, entitled to the donation of four hundred acres of land made by the reſolve of Congreſs of the twenty-ninth of Auguſt, one thouſand ſeven hundred and eighty-eight; and the governor of the ſaid territory, upon application to him for that purpoſe, is hereby directed to cauſe the ſame to be laid out for ſuch heads of families or their heirs; and ſhall alſo cauſe to be laid off and confirmed to ſuch perſons the ſeveral

alſo to thoſe who have removed from ſaid territory,

tracts of land which they may have poſſeſſed, and which before the year one thouſand ſeven hundred and eighty-three may have been allotted to them according to the laws and uſages of the government under which they had reſpectively ſettled: *Provided nevertheleſs*, That if ſuch perſons or their heirs do not return and occupy the ſaid lands within five years, ſuch lands ſhall be conſidered as forfeited to the United States.

if they return within five years.

Lands formerly poſſeſſed by Piankeſhaw Indians confirmed to preſent poſſeſſors.

Sec. 3. *And be it further enacted*, That one hundred and fifty acres of land, heretofore in poſſeſſion of the Piankeſhaw Indians, and now under actual improvement, and conſtituting a part of the village of Vincennes, be given to the perſons who are ſeverally in poſſeſſion of the ſaid land.

Improvers of lands claiming under a ſuppoſed grant, to have their claims confirmed.

Sec. 4. *And be it further enacted*, That where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a ſuppoſed grant of the ſame, by any commandant or court claiming authority to make ſuch grant, the governor of the ſaid territory be, and he hereby is empowered to confirm to the perſons who made ſuch improvements, their heirs or aſſigns, the lands ſuppoſed to have been granted as aforeſaid, or ſuch parts thereof as he, in his diſcretion, may judge reaſonable, not exceeding to any one perſon, four hundred acres.

Lands heretofore uſed as a common to be appropriated thereto.

Sec. 5. *And be it further enacted*, That a tract of land, containing about five thouſand four hundred acres, which for many years has been fenced and uſed by the inhabitants of Vincennes as a common, alſo a tract of land including the villages of Cohos and Prairie du Pont, and heretofore uſed by the inhabitants

of the ſaid villages as a common, be, and the ſame are hereby appropriated to the uſe of the inhabitants of Vincennes and of the ſaid villages reſpectively, to be uſed by them as a common, until otherwiſe diſpoſed of by law.

Militiamen who have not obtained any donation of land, to receive 100 acres.

Sec. 6. *And be it further enacted*, That the governor of the ſaid territory be authorized to make a grant of land not exceeding one hundred acres, to each perſon who hath not obtained any donation of land from the United States, and who, on the firſt day of Auguſt, one thouſand ſeven hundred and ninety, was enrolled in the militia at Vincennes or in the Illinois country, and has done militia duty, the ſaid land to be laid out at the expenſe of the grantees, and in ſuch form and place as the ſaid governor ſhall direct. *Provided neverthelefs*, That no claim founded upon purchaſe or otherwiſe, ſhall be admitted within a tract of land heretofore occupied by the Kaſkaſkia nation of Indians, and including their village, which is hereby appropriated to the uſe of the ſaid Indians.

Appropriation of a tract for the Kaſkaſkia Indians.

Grant of to P. Gibault & St. Jam Beouvais.

Sec. 7. *And be it further enacted*, That two lots of land heretofore in the occupation of the prieſts at Cahokia, and ſituated near that village, be, and the ſame is hereby granted in fee to P. Gibault; and that a tract of land at Kaſkaſkia, formerly occupied by the Jeſuits, be laid off and confirmed to St. Jam Beouvais, who claims the ſame in virtue of a purchaſe thereof.

Donation lands to be laid out according to act of Congreſs of June 26th 1788.

Sec. 8. *And be it further enacted*, That ſo much of the act of Congreſs of the twenty-eighth of Auguſt, one thouſand ſeven hundred and eighty-eight, as refers to the locations of certain tracts of land directed to be run out

and reſerved for donations, to the ancient ſettlers in the Illinois country, be, and the ſame is hereby repealed, and the governor of the ſaid territory is directed to lay out the ſame, agreeably to the act of Congreſs of the twentieth of June, one thouſand ſeven hundred and eighty-eight.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

CHAPTER XXVIII.

An Act for raiſing and adding another Regiment to the Military Eſtabliſhment of the United States, and for making farther Proviſion for the Protection of the Frontiers.

(REPEALED.)

WHEREAS Congreſs did, by a reſolution of the twenty-third day of September, one thouſand ſeven hundred and eighty-nine, recommend to the ſeveral ſtates to paſs laws making it expreſsly the duty of the keepers of their jails to receive and ſafe keep therein all priſoners committed under the authority of the United States; in order therefore to enſure the adminiſtration of juſtice,

Reſolved by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled, That in caſe any ſtate ſhall not have complied with the ſaid recommendation, the marſhal in ſuch ſtate, under the direction of the judge of the diſtrict, be authorized to hire a convenient place to ſerve as a temporary jail, and to make the neceſſary proviſion for the ſafe-keeping of priſoners committed under the authority of the United States, until permanent proviſion ſhall be made by law for that purpoſe; and the ſaid marſhal ſhall be allowed his reaſonable expenſes incurred for the above purpoſes, to be paid out of the treaſury of the United States.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
Preſident of the United States.

[AN ACT AND TWO RESOLUTIONS OMITTED IN THEIR PROPER PLACE.]

A N A C T

Paſſed at the firſt Seſſion

OF THE

FIRST CONGRESS

OF THE

United States of America,

Begun and held at the City of New-York, on Wedneſday, the fourth of March, one thouſand ſeven hundred and eighty-nine:

AND OF THE

Independence of the United States,

THE THIRTEENTH.

CHAPTER IV.

An Act for eſtabliſhing an Executive Department, to be denominated the Department of Foreign Affairs.

Secretary of foreign affairs, his duty.

Section 1. BE *it enacted by the Senate and Houſe of Repreſentatives of the United States of America, in Congreſs aſſembled,* That there ſhall be an executive department, to be denominated the department of foreign affairs, and that there ſhall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who ſhall perform and execute ſuch duties as ſhall from time to time be enjoined on or intruſted to him by the Preſident of the United States, agree-

able to the conſtitution, relative to correſpondences, commiſſions or inſtructions to or with public miniſters or conſuls, from the United States, or to negociations with public miniſters from foreign ſtates or princes, or to memorials or other applications from foreign public miniſters or other foreigners, or to ſuch other matters reſpecting foreign affairs, as the Preſident of the United States ſhall aſſign to the ſaid department: And furthermore, that the ſaid principal officer ſhall conduct the buſineſs of the ſaid department in ſuch manner as the Preſident of the United States ſhall from time to time order or inſtruct.

Principal clerk, his duty.

Sec. 2. *And be it further enacted*, That there ſhall be in the ſaid department, an inferior officer, to be appointed by the ſaid principal officer, and to be employed therein as he ſhall deem proper, and to be called the chief clerk in the department of foreign affairs, and who, whenever the ſaid principal officer ſhall be removed from office by the Preſident of the United States, or in any other caſe of vacancy, ſhall, during ſuch vacancy, have the charge and cuſtody of all records, books and papers appertaining to the ſaid department.

Oath of office.

Sec. 3. *And be it further enacted*, That the ſaid principal officer, and every other perſon to be appointed or employed in the ſaid department, ſhall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the truſt committed to him.

Secretary to take charge of papers, &c. of foreign department.

Sec. 4. *And be it further enacted*, That the Secretary for the department of foreign affairs, to be appointed in conſequence of this act, ſhall forthwith after his appointment, be entitled to have the cuſtody and charge of all

records, books and papers in the office of Secretary for the department of foreign affairs, heretofore eſtabliſhed by the United States in Congreſs aſſembled.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, July twenty-ſeven, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

RESOLVED *by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That it be recommended to the Legiſlatures of the ſeveral ſtates to paſs laws, making it expreſsly the duty of the keepers of their gaols, to receive and ſafe keep therein all priſoners committed under the authority of the United States, until they ſhall be diſcharged by due courſe of the laws thereof, under the like penalties as in the caſe of priſoners committed under the authority of ſuch ſtates reſpectively; the United States to pay for the uſe and keeping of ſuch gaols, at the rate of fifty cents per month for each priſoner that ſhall, under their authority, be committed thereto, during the time ſuch priſoners ſhall be therein confined; and alſo to ſupport ſuch of ſaid priſoners as ſhall be committed for offences.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, September the 23d, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

RESOLVED, That it ſhall be the duty of the Secretary of State, to procure from time to time ſuch of the ſtatutes of the ſeveral ſtates as may not be in his office.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the Houſe of Repreſentatives.

JOHN ADAMS, *Vice-Preſident of the United States, and Preſident of the Senate.*

APPROVED, September the 23d, 1789:

GEORGE WASHINGTON,
Preſident of the United States.

THE

TREATIES

MADE BY THE

UNITED STATES

OF

AMERICA,

WITH

Foreign Nations.

TREATY OF ALLIANCE

BETWEEN THE

United States of America

AND

HIS MOST CHRISTIAN MAJESTY.

TREATY OF ALLIANCE

BETWEEN THE

United States of America

AND

HIS MOST CHRISTIAN MAJESTY.

ORIGINAL.

TREATY OF ALLIANCE.

THE Moſt Chriſtian King and the United States of North-America; to wit: New-Hampſhire, Maſſachuſetts-bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, having this day concluded a treaty of Amity and Commerce, for the reciprocal advantage of their ſubjects and citizens, have thought it neceſſary to take into conſideration the means of ſtrengthening thoſe engagements, and of rendering them uſeful to the ſafety and tranquility of the two parties; particularly in caſe Great-Britain in reſentment of that connection and of the good correſpondence which is the object of the ſaid treaty, ſhould break the peace with France, either by direct hoſtilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace ſubſiſting between the two crowns: And his Majeſty and the ſaid United

TRAITÉ D'ALLIANCE

ENTRE LES

Etats Unis d'Amérique

ET

SA MAJESTE TRES CHRETIENNE.

ORIGINAL.

TRAITÉ D'ALLIANCE

eventuelle et défenſive.

LE Roi très Chrêtien et les Etats Unis de l'Amerique Septentrionale, ſavoir, New-Hampſhire, la Baye de Maſſachuſſet, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Penſylvanie, Delaware, Maryland, Virginie, Caroline Séptentrionale, Caroline Meridionale, et Georgia ; ayant conclu ce jourd'huy un traité d'amitié, de bonne intelligence et de commerce, pour l'avantage réciproque de leurs ſujets et citoyens, ils ont cru devoir prendre en conſidération, les moyens de reſſerrer leurs liaiſons, et de les rendre utiles à la ſureté et à la tranquilité des deux parties, notament dans le cas oú la Grande Brétagne, en haine de ces mêmes liaiſons et de la bonne correſpondance qui forment l'objet du dit traité, ſe porteroit à rompre la paix avec la France, ſoit en l'attaquant hoſtilement, ſoit en troublant ſon commerce, et ſa navigation, d'une manière contraire au droit des gens et à la paix ſubſiſtante entre les deux couronnés : Et ſa Ma-

States, having reſolved in that caſe to join their councils and efforts againſt the enterpriſes of their common enemy, the reſpective plenipotentiaries impowered to concert the clauſes and conditions proper to fulfil the ſaid intentions, have, after the moſt mature deliberation, concluded and determined on the following articles:

ARTICLE I.

If war break out with Great-Britain, to be a common cauſe.

If war ſhould break out between France and Great-Britain during the continuance of the preſent war between the United States and England, his Majeſty and the ſaid United States ſhall make it a common cauſe and aid each other mutually with their good offices, their counſels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ARTICLE II.

Object of the treaty, independence of the U. States.

The eſſential and direct end of the preſent defenſive alliance is to maintain effectually the liberty, ſovereignty and independence abſolute and unlimited, of the ſaid United States, as well in matters of government as of commerce.

ARTICLE III.

Both parties to make every effort to attain that end.

The two contracting parties ſhall each on its own part, and in the manner it may judge moſt proper, make all the efforts in its power againſt their common enemy, in order to attain the end propoſed.

jeſté et les dits Etats Unis ayant réſolu éventuellement d'unir, dans le cas prévû, leurs conſeils et leurs efforts contre les entrepriſes de leur ennemi commun, les plénipotentiaires reſpectifs, chargés de concerter les clauſes et conditions propres à remplir leurs intentions, ont, après la plus mure délibération conclu et arrêté les points et articles qui s'enſuivent.

ARTICLE PREMIER.

Si la guerre éclate entre la France et la Grande Brétagne, pendant la durée de la guerre actuelle entre les Etats Unis et l'Angleterre, ſa Majeſté et les dits Etats Unis feront cauſe commune et s'entr'aideront mutuellement de leurs bons offices, de leurs conſeils et de leurs forces, ſelon l'exigence des conjonctures, ainſy qu'il convient à de bons et fidelos alliés.

ARTICLE SECOND.

Le but eſſentiel et direct de la préſente alliance défenſive, eſt de maintenir efficacement la liberté, la ſouveraineté, et l'indépendance abſoluë et illimitée des dits Etats Unis, tant en matière politique que de commerce.

ARTICLE TROIS.

Les deux parties contractantes feront chacune de leur côté, et de la manière qu'elles jugeront plus convenable, tous les efforts, qui ſeront en leur pouvoir, contre leur ennemi commun, afin d'atteindre au but qu'elles ſe propoſent.

ARTICLE IV.

Concurrence in enterprize.

The contracting parties agree that in caſe either of them ſhould form any particular enterprize in which the concurrence of the other may be deſired, the party whoſe concurrence is deſired, ſhall readily and with good faith, join to act in concert for that purpoſe, as far as circumſtances and its own particular ſituation will permit; and in that caſe, they ſhall regulate, by a particular convention, the quantity and kind of ſuccour to be furniſhed, and the time and manner of its being brought into action, as well as the advantages which are to be its compenſation.

ARTICLE V.

Conqueſts that ſhall belong to the United States.

If the United States ſhould think fit to attempt the reduction of the Britiſh power, remaining in the northern parts of America, or the iſlands of Bermudas, thoſe countries or iſlands in caſe of ſucceſs, ſhall be confederated with, or dependant upon the ſaid United States.

ARTICLE VI.

France relinquiſhes all claim to certain countries if conquered.

The Moſt Chriſtian King renounces for ever the poſſeſſion of the iſlands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great-Britain, or to the United States, heretofore called Britiſh colonies, or which are at this time, or have lately been under the power of the king and crown of Great-Britain.

ARTICLE QUATRE.

Les parties contractantes ſont convenuës que dans le cas où l'une d'entre elles formeroit quelqu' entrepriſe particuliére, pour laquelle deſireroit le concours de l'autre, celle-ci, ſe prêteroit de bonne foi à un concert ſur cet objet, autant que les circonſtances et ſa propre ſituation pourront le lui permettre; et dans ce cas, on réglera, par une convention particuliére, la portée des ſecours à fournis, et le tems et la manière de le faire agir, ainſy que les avantages deſtinés à en former la compenſation.

ARTICLE CINQ.

Si les Etats Unis jugent à propos de tenter la reduction des iſles Bermudes et des parties ſeptentrionales de l'Amerique, qui ſont encore au pouvoir de la Grande Brétagne, les dites iſles et contrées, en cas de ſuccès, entreront dans la confedération ou ſeront dependantes des dits Etats Unis.

ARTICLE SIX.

Le Roi très Chrêtien renonce à poſſeder jamais les Bermudes, ni aucune des parties du continent de l'Amérique ſeptentrionale, qui, avant le traité de Paris de mil ſept cent ſoixante trois, ou en vertu de ce traité, ont été reconnuës appartenir à la couronne de la Grande Brétagne, ou aux Etats Unis, qu'on appelloit ci-devant colonies Britanniques, ou qui ſont maintenant, ou ont été récemment ſous la juriſdiction et ſous le pouvoir de la couronne de la Grande Brétagne.

ARTICLE VII.

Conquests that ſhall belong to France.

If his Moſt Chriſtian Majeſty ſhall think proper to attack any of the iſlands ſituated in the Gulph of Mexico, or near that Gulph, which are at preſent under the power of Great-Britain, all the ſaid iſles, in caſe of ſucceſs, ſhall appertain to the crown of France.

ARTICLE VIII.

Neither party to conclude treaty without the other's conſent, nor lay down arms till independence of U. States be ſecured.

Neither of the two parties ſhall conclude either truce or peace, with Great-Britain, without the formal conſent of the other firſt obtained; and they mutually engage not to lay down their arms until the independence of the United States ſhall have been formally or tacitly aſſured, by the treaty or treaties that ſhall terminate the war.

ARTICLE IX.

No claim of compenſation after the war.

The contracting parties declare, that being reſolved to fulfil each on its own part, the clauſes and conditions of the preſent treaty of alliance, according to its own power and circumſtances, there ſhall be no after claim of compenſation on one ſide or the other, whatever may be the event of the war.

ARTICLE X.

To admit other powers to accede to the alliance.

The Moſt Chriſtian King and the United States agree, to invite or admit other powers who may have received injuries from England, to make common cauſe with them, and to accede to the preſent alliance, under ſuch conditions as ſhall be freely agreed to, and ſettled between all the parties.

ARTICLE SEPT.

Si ſa Majeſté très Chrêtienne juge à propos d'attaquer aucune des iſles ſituées dans le golphe de Mexique ou près du dit golphe, qui ſont actuellement au pouvoir de la Grande Brétagne, toutes les dites iſles, en cas de ſuccès, appartiendront à la couronne de France.

ARTICLE HUIT.

Aucune des deux parties ne pourra conclurre ni tréve ni paix avec la Grande Brétagne, ſans le conſentement préalable et formel de l'autre partie, et elles s'engagent mutuellement à ne mettre bas les armes, que lorſque l'indépendance des dits Etats Unis aura été aſſurée formellement ou tacitement par le traité ou les traités qui termineront la guerre.

ARTICLE NEUF.

Les parties contractantes déclarent, qu'étant reſoluës de remplir chacune de ſon côté les clauſes et conditions du préſent traité d'alliance ſelon ſon pouvoir et les circonſtances, elles n'auront aucune repetition, ni aucun dédommagement, à ſe demander réciproquement, quelque puiſſe être l'evénement de la guerre.

ARTICLE DIX.

Le Roi trés Chrêtien et les Etats Unis ſont convenus d'inviter de concert ou d'admettre les puiſſances, qui auront des griefs contre l'Angleterre, á faire cauſe commune avec eux, et à accéder à la préſente alliance, ſous les conditions qui ſeront librement agrées et convenuës entre toutes les parties.

ARTICLE XI.

Mutual guaranty.

The two parties guaranty mutually from the preſent time, and for ever againſt all other powers, to wit: The United States to his Moſt Chriſtian Majeſty, the preſent poſſeſſions of the crown of France in America, as well as thoſe which it may acquire by the future treaty of peace: And his Moſt Chriſtian Majeſty guaranties on his part to the United States, their liberty, ſovereignty and independence, abſolute and unlimited, as well in matters of government as commerce, and alſo their poſſeſſions, and the additions or conqueſts, that their confederation may obtain during the war, from any of the dominions now, or heretofore poſſeſſed by Great-Britain in North-America, conformable to the 5th and 6th articles above written, the whole as their poſſeſſion ſhall be fixed and aſſured to the ſaid ſtates, at the moment of the ceſſation of their preſent war with England.

ARTICLE XII.

Guaranty when to commence.

In order to fix more preciſely the ſenſe and application of the preceding article, the contracting parties declare, that in caſe of a rupture between France and England, the reciprocal guarantee declared in the ſaid article, ſhall have its full force and effect the moment ſuch war ſhall break out; and if ſuch rupture ſhall not take place, the mutual obligations of the ſaid guarantee ſhall not commence until the moment of the ceſſation of the preſent war, between the United States and England, ſhall have aſcertained their poſſeſſions.

ARTICLE ONZE.

Les deux parties ſe garantiſſent mutuellement dès à preſent et pour toujours envers et contre tous, ſavoir, les Etats Unis à ſa Majeſtè très Chrêtienne les poſſeſſions actuelles de la couronne de France en Amérique, ainſy que celles qu'elle pourra acquérir par le futur traité de paix; Et ſa Majeſtè très Chrêtienne, garantit de ſon côté aux Etats Unis leur liberté, leur ſouveraineté et leur indépendance abſoluë et illimitée, tant en matiére de politique que de commerce, ainſy que leurs poſſeſſions et les accroiſſements ou conquêtes que leur confédération pourra ſe procurer pendant la guerre, d'aucun des domaines maintenant ou ci-devant poſſedés par la Grande Brétagne dans l'Amerique ſeptentrionale, comformément aux articles cinq et ſix ci-deſſus, et tout ainſy que leurs poſſeſſions ſeront fixées et aſſurées aux dits Etats, au moment de la ceſſation de leur guerre actuelle contre l'Angleterre.

ARTICLE DOUZE.

Afin de fixer plus préciſément le ſens et l'application de l'article précédent, les parties contractantes déclarent qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque enoncée dans le ſuſdit article, aura toute ſa force et valeur du moment où la guerre éclatera, et ſi la rupture n'avoit pas lieu, les obligations mutuelles de la dite garantie, ne commenceroient, que du moment ſuſdit, où la ceſſation de la guerre actuelle entre les Etats Unis et l'Angleterre, aura fixé leurs poſſeſſions.

ARTICLE XIII.

Ratification. The preſent treaty ſhall be ratified on both ſides, and the ratifications ſhall be exchanged in the ſpace of ſix months, or ſooner if poſſible.

In faith whereof the reſpective plenipotentiaries, to wit: On the part of the Moſt Chriſtian king, Conrad Alexander Gerard, Royal Syndic of the city of Straſbourgh, and Secrecretary of his Majeſty's Council of State; and on the part of the United States, Benjamin Franklin, Deputy to the General Congreſs from the ſtate of Pennſylvania and Preſident of the Convention of the ſame ſtate; Silas Deane, heretofore Deputy from the ſtate of Connecticut, and Arthur Lee, Counſellor at Law, have ſigned the above articles both in the French and Engliſh languages, declaring nevertheleſs, that the preſent treaty was originally compoſed and concluded in the French language, and they have hereunto affixed their ſeals.

Done at Paris, this ſixth day of February, one thouſand ſeven hundred and ſeventy-eight.

C. A. GERARD, (L. S.)
B. FRANKLIN, (L. S.)
SILAS DEANE, (L. S.)
ARTHUR LEE, (L. S.)

ARTICLE TREIZE.

Le preſent traité ſera ratifié de part et d'autre et les ratifications ſeront échangées dans l'eſpace de ſix mois ou pluſtôt ſi faire ſe peut.

En foi dequoi les plénipotentiaires reſpectifs, ſavoir, de la part du Roi très Chrêtien le Sr. Conrad, Alexandre Gerard, Sindic Royal de la Ville de Straſbourg et Sécrétaire du Conſeil d'Etat de ſa Majeſté, et de la part des Etats Unis les Srs. Benjamin Franklin, Deputé au Congrès Général de la part de l'etat de Penſylvanie et Preſident de la Convention du même etat ; Siles Deane cy-devant Députe de l'etat de Connecticut, et Arthur Lée *Conſeiller ès Loix*, ont ſigné les articles ci-deſſus, tant en langue Françoiſe qu'en langue Angloiſe, déclarant néanmoins, que le preſent traité, à été originairement redigé et arrêté en langue Françoiſe, et ils les ont munis du cachet de leurs armes.

Fait à Paris, le ſixieme jour du mois de Fevrier, mil ſept cent ſoixante dixhuit.

C. A. GERARD, (L. S.)
B. FRANKLIN, (L. S.)
SILAS DEANE, (L. S.)
ARTHUR LEE, (L. S.)

TREATY

OF AMITY AND COMMERCE

BETWEEN THE

United States of America

AND

HIS MOST CHRISTIAN MAJESTY.

ORIGINAL.

TREATY *of* AMITY *and* COMMERCE.

THE Moſt Chriſtian King, and the thirteen United States of North America, to wit: New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correſpondence and commerce which the two parties deſire to eſtabliſh; between their reſpective countries, ſtates and ſubjects, his Moſt Chriſtian Majeſty and the ſaid United States, have judged that the ſaid end could not be better obtained than by taking for the baſis of their agreement, the moſt perfect equality and reciprocity, and by carefully avoiding all thoſe burthenſome preferences which are uſually ſources of debate, embarraſſment and diſcontent; by leaving al-

TRAITÉ

D'AMITIÉ ET DE COMMERCE

ENTRE LES

Etats Unis d'Amérique

ET

SA MAJESTÉ TRÈS CHRETIÊNNE.

ORIGINAL.

TRAITÉ D'AMITIÉ *et de* COMMERCE.

LE Roi très Chrêtien et les treize Etats Unis de l'Amérique Séptentrionale, ſavoir, New-Hampſhire, la Baye de Maſſachuſſet, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Penſylvanie, les comtés de Newcaſtle, de Kent et de Suſſex ſur la Delaware, Maryland, Virginie, Caroline, Séptentrionale, Caroline Méridionale, et Georgie, voulant établir d'une manière équitable et permanente les régles qui devront être ſuivies relativement à la correſpondance et au commerce que les deux parties déſirent d'établir entre leurs Païs Etats et ſujets reſpectifs, ſa Majeſté très Chrêtienne et les dits Etats Unis ont jugé ne pouvoir mieux atteindre à ce but qu'en prenant pour baſe de leur arrangement l'égalité et la réciprocité la plus parfaite, et en obſervant d'éviter toutes les préférences onéreuſes, ſource de diſcuſſions, d'embarras, et de mecontentemens,

ſo each party at liberty to make, reſpecting commerce and navigation, thoſe interior regulations which it ſhall find moſt convenient to itſelf; and by founding the advantage of commerce ſolely upon reciprocal utility, and the juſt rules of free intercourſe; reſerving withal to each party the liberty of admitting at its pleaſure, other nations to a participation of the ſame advantages. It is in the ſpirit of this intention, and to fulfil theſe views, that his ſaid Majeſty having named and appointed for his plenipotentiary, Conrad Alexander Gerard, Royal *Syndic* of the city of Straſbourgh, Secretary of his Majeſty's Council of State; and the United States on their part, having fully empowered Benjamin Franklin, Deputy from the ſtate of Pennſylvania to the General Congreſs, and Preſident of the Convention of ſaid ſtate; Silas Deane, late Deputy from the ſtate of Connecticut to the ſaid Congreſs, and Arthur Lee, Counſellor at Law; the ſaid reſpective plenipotentiaries after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles.

ARTICLE I.

Peace and friendſhip between the two nations.

There ſhall be a firm, inviolable and univerſal peace, and a true and ſincere friendſhip between the Moſt Chriſtian King, his heirs and ſucceſſors, and the United States of America; and the ſubjects of the Moſt Chriſtian King and of the ſaid States; and between the countries, iſlands, cities and towns, ſituate under the juriſdiction of the Moſt Chriſtian King and of the ſaid United States, and the people and inhabitants of every degree, without exception of perſons or places; and the terms herein af-

de laiſſer à chaque partie la liberté de faire, relativement au commerce et à la navigation les réglémens intérieurs qui ſeront à ſa convenance, de ne fonder les avantages du commerce que ſur ſon utilité reciproque et ſur les loix d'une juſte concurrence, et de conſerver ainſi de part et d'autre la liberté de faire participer, chacun ſelon ſon gré, les autres nations, aux mêmes avantages. C'eſt dans cet eſprit et pour remplir ces vuës que ſa dite Majeſté ayant nommé et conſtitué pour ſon plenipotentiaire le Sieur Conrad Alexandre Gerard, Sindic Roïal de la ville de Straſbourg, Secretaire du Conſeil d'Etat de ſa Majeſté, et les Etats Unis aïant, de leur côté, munis de leurs pleins pouvoirs les Sieurs Benjamin Franklin, Député au Congrés Général de la part de l'Etat de Penſylvanie, et Préſident de la Convention du dite Etat, Silas Deane ci-devant Député de l'Etat de Connecticut, et Arthur Lee, *Conſeiller ès Loix*, les dits plenipotentiaires reſpectifs après l'échange de leurs pouvoirs et aprés mure délibération ont conclu et arrêté les points et articles ſuivans.

ARTICLE I.

Il y aura une paix ferme, inviolable et univerſelle et une amitié vraie et ſincére entre Le Roi très Chrêtien ſes héritiers et ſucceſſeurs, et entre les Etats Unis de l'Amérique ainſi qu'entre les ſujets de ſa Majeſté très Chrêtienne et ceux des dits Etats, comme auſſi entre les peuples, iſles, villes et places ſituès ſous la juriſdiction du Roi très Chrêtien et des dits Etats Unis, et entre leurs peuples et habitans de toutes les claſſes, ſans aucune exception de perſonnes et de lieux; les conditions mon-

ter mentioned ſhall be perpetual between the Moſt Chriſtian King, his heirs and ſucceſſors, and the ſaid United States.

ARTICLE II.

Neither party to grant favors to other nations, that ſhall not become common to the other party.

The Moſt Chriſtian King and the United States, engage mutually not to grant any particular favour to other nations, in reſpect of commerce and navigation, which ſhall not immediately become common to the other party, who ſhall enjoy the ſame favour, freely, if the conceſſion was freely made, or on allowing the ſame compenſation, if the conceſſion was conditional.

ARTICLE III.

Subjects of the King of France entitled to the ſame privileges in the United States, as the moſt favored nation.

The ſubjects of the Moſt Chriſtian King ſhall pay in the ports, havens, roads, countries, iſlands, cities, or towns, of the United States, or any of them, no other, or greater duties, or impoſts, of what nature ſoever they may be, or by what name ſoever called, than thoſe which the nations moſt favoured are or ſhall be obliged to pay; and they ſhall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in paſſing from one port in the ſaid ſtates to another, or in going to and from the ſame, from and to any part of the world, which the ſaid nations do or ſhall enjoy.

ARTICLE IV.

The ſubjects, people and inhabitants of the ſaid United States, and each of them, ſhall not pay in the ports, havens, roads, iſles, cities and places under the domination of his Moſt

tionnèes au preſent traité ſeront perpetuelles et permanentes entre Le Roi très Chrêtien, ſes héritiers et ſucceſſeurs, et les dits Etats Unis.

ARTICLE II.

Le Roi très Chrêtien et les Etats Unis s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres nations, en fait de commerce et de navigation, qui ne devienne auſitôt commune à l' autre partie, et celle-ci jouira de cette faveur gratuitement, ſi la conceſſion eſt gratuite, ou en accordant la même compenſation, ſi la conceſſion eſt conditionelle.

ARTICLE III.

Les ſujets du Roi très Chrêtien ne païeront dans les ports, havres, rades, contrées, iſles, cités et lieux des Etats Unis ou d'aucun d'entr'eux, d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puiſſent être, et quelque nom qu'ils puiſſent avoir que ceux que les nations les plus favoriſées ſont, ou ſeront tenuës de païer ; Et ils jouiront de tous les droits, libertés, privileges, immunités et exemtions en fait de négoce, navigation et commerce, ſoit en paſſant d'un port des dits Etats à un autre ; ſoit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce ſoit, dont les dites nations jouiſſent ou jouiront.

ARTICLE IV.

Les ſujets, peuples et habitans des dits Etats Unis et de chacun d'iceux ne païeront dans les ports, havres, rades, iſles, villes et places de la domination de ſa Majeſté très Chrêtienne en

The citizens of the United States, entitled to the same privileges in the dominions of France, as the most favored nation.

Christian Majesty, in Europe, any other, or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ARTICLE V.

particular exemption.

In the above exemption is particularly comprised, the imposition of one hundred sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandize of France for another port of the same dominion, in which case the said ships shall pay the duty above mentioned so long as other nations the most favoured shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty when they shall judge it proper, to establish a duty equivalent in the same case.

ARTICLE VI.

The Most Christian King shall endeavour by all the means in his power to protect and defend all vessels and the effects belonging to the subjects, people or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities or towns, and to

Europe d'autres ni plus grands droits ou impôts de quelque nature qu'ils puiſſent être et quelque nom qu'ils puiſſent avoir que les nations les plus favoriſées ſont, ou ſeront tenuës de paier, et ils jouiront de tous les droits, libertés, privilèges, immunités et exemtions en fait de négoce, navigation et commerce ſoit en paſſant d'un port à un autre des dits Etats du Roi très Chrêtien en Europe, ſoit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce ſoit, dont les nations ſuſdites jouiſſent ou jouiront.

ARTICLE V.

Dans l'exemtion ci-deſſus eſt nommément compriſe l'impoſition de cent ſous par tonneau établie en France ſur les navires étrangers, ſi ce n'eſt lorſque les navires des Etats Unis chargeront des marchandiſes de France, dans un port de France, pour un autre port de la même domination, auquel cas les dits navires des dits Etats Unis acquitteront le droit dont il s'agit auſſi long tems que les autres nations les plus favoriſées ſeront obligées de l'acquitter. Bien entendu qu'il ſera libre aux dits Etats Unis, ou à aucun d'iceux d'établir, quand ils le jugeront àpropos, un droit equivalent à celui dont il eſt queſtion pour le même cas pour lequel il eſt établi dans les ports de ſa Majeſté très Chrêtienne.

ARTICLE VI.

Le Roi très Chrêtien fera uſage de tous les moiens qui ſont en ſon pouvoir, pour protéger et defendre tous les vaiſſeaux et effets appartenants, aux ſujets, peuples et habitans des dits Etats Unis et de chacun d'iceux qui ſeront dans ſes ports, havres, ou rades, ou dans les mers près de ſes pays, contrées, iſles, villes et

France to protect veſſels of the Citizens of the United States in their juriſdiction, to reſtore them when captured. and to convoy veſſels in certain caſes.

recover and reſtore to the right owners, their agent or attornies, all ſuch veſſels and effects, which ſhall be taken within his juriſdiction; and the ſhips of war of his Moſt Chriſtian Majeſty, or any convoy ſailing under his authority, ſhall upon all occaſions take under their protection, all veſſels belonging to the ſubjects, people or inhabitants of the ſaid United States, or any of them, and holding the ſame courſe, or going the ſame way, and ſhall defend ſuch veſſels as long as they hold the ſame courſe, or go the ſame way, againſt all attacks, force and violence, in the ſame manner as they ought to protect and defend the veſſels belonging to the ſubjects of the Moſt Chriſtian King.

ARTICLE VII.

United States to do the ſame.

In like manner the ſaid United States and their ſhips of war, ſailing under their authority, ſhall protect and defend, conformable to the tenor of the preceding article, all the veſſels and effects belonging to the ſubjects of the Moſt Chriſtian King, and uſe all their endeavours to recover, and cauſe to be reſtored, the ſaid veſſels and effects that ſhall have been taken within the juriſdiction of the ſaid United States, or any of them.

ARTICLE VIII.

King of France to aid United States to make treaties with the Barbary powers.

The Moſt Chriſtian King will employ his good offices and interpoſition with the King or Emperor of Morocco or Fez, the regencies of Algier, Tunis, and Tripoli, or with any of them; and alſo with every other Prince, State or Power, of the coaſt of Barbary, in Africa, and the ſubjects of the ſaid King. Em-

places, et fera tous ſes efforts pour recouvrer et faire reſtituer aux propriétaires légitimes, leurs agens ou mandataires, tous les vaiſſeaux et effets qui leur ſeront pris dans l'étendue de ſa juriſdiction : Et les vaiſſeaux de guerre de ſa Majeſté très Chrêtienne ou les convois quelconques faiſant voile ſous ſon autorité, prendront, en toute occaſion, ſous leur protection tous les vaiſſeaux appartenants aux ſujets, peuples et habitans des dits Etats Unis ou d'aucun d'iceux, les quels tiendront le même cours, et feront la même route, et ils défendront les dits vaiſſeaux auſſi long-tems qu'ils tiendront le même cours et ſuivront la même route, contre toute attaque force ou violence de la même manière qu'ils ſont tenus de défendre et de protéger les vaiſſeaux appartenans aux ſujets de ſa Majeſté très Chrêtienne.

ARTICLE VII.

Pareillement les dits Etats Unis et leurs vaiſſeaux de guerre faiſant voile ſous leur autorité protégeront et défendront conformément au contenu de l'article précédent, tous les vaiſſeaux et effets appartenants aux ſujets du Roi très Chrêtien, et feront tous leurs efforts pour recouvrer et faire reſtituer les dits vaiſſeaux et effets qui auront été pris dans l'étendue de la juriſdiction des dits Etats et de chacun d'iceux.

ARTICLE VIII.

Le Roi très Chrêtien emploïera ſes bons offices et ſon entremiſe auprès des Roi ou Empereur de Maroc ou Fez, des Régences d'Alger, Tunis et Tripoli, ou auprès d'aucune d'entr' elles ainſi qu' auprès de tout autre Prince, Etat, ou Puiſſance des côtes de Barbarie en Affrique et des ſujets des dits Roi, Empereur, Etats et

peror, States and Powers, and each of them, in order to provide as fully and efficaciouſly as poſſible for the benefit, conveniency and ſafety of the ſaid United States, and each of them, their ſubjects, people and inhabitants, and their veſſels and effects againſt all violence, inſult, attacks, or depredations, on the part of the ſaid Princes, and States of Barbary, or their ſubjects.

ARTICLE IX.

Subjects of each party ſhall not fiſh in the dominions of the other.

The ſubjects, inhabitants, merchants, commanders of ſhips, maſters and mariners of the ſtates, provinces and dominions of each party reſpectively ſhall abſtain and forbear to fiſh in all places poſſeſſed, or which ſhall be poſſeſſed by the other party; the Moſt Chriſtian King's ſubjects ſhall not fiſh in the havens, bays, creeks, roads, coaſts or places, which the ſaid United States hold, or ſhall hereafter hold, and in like manner the ſubjects, people and inhabitants of the ſaid United States, ſhall not fiſh in the havens, bays, creeks, roads, coaſts or places, which the Moſt Chriſtian King poſſeſſes, or ſhall hereafter poſſeſs; and if any ſhip or veſſel ſhall be found fiſhing contrary to the tenor of this treaty, the ſaid ſhip or veſſel, with its lading, proof being made thereof, ſhall be confiſcated; it is however underſtood that the excluſion ſtipulated in the preſent article, ſhall take place only ſo long, and ſo far as the Moſt Chriſtian King, or the United States, ſhall not in this reſpect have granted an exemption to ſome other nation.

ARTICLE X.

The United States, their citizens and inhabitants ſhall never diſturb the ſubjects of the

Puiſſances et de chacun d'iceux à l'effet de pourvoir auſſi pleinement et auſſi efficacement qu'il ſera poſſible à l'avantage commodité et ſûreté des dits Etats Unis et de chacun d'iceux, ainſi que de leurs ſujets, peuples et habitans leurs vaiſſeaux et effets contre toute violence, inſulte, attaque ou déprédations de la part des dits Princes et Etats Barbareſques ou de leurs ſujets.

ARTICLE IX.

Les ſujets, habitans, marchands, commandans des navires, maitres et gens de mer, des etats, provinces et domaines des deux parties, s'abſtiendront et éviteront réciproquement de pêcher dans toutes les places poſſédées, ou qui ſeront poſſédées par l'autre partie. Les ſujets de ſa Majeſté très Chrêtienne ne pecheront pas dans les havres, bayes, criques, rades, côtes et places que les dits Etats Unis, poſſedent ou poſſéderont à l'avenir; et de la même manière les ſujets, peuples et habitans des dits Etats Unis ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que ſa Majeſté très Chrêtienne poſſéde actuellement ou poſſédera à l'avenir, et ſi quelque navire ou bâtiment étoit ſurpris pêchant en violation du preſent traité, le dit navire ou bâtiment et ſa cargaiſon ſeront confiſqués après que la preuve en aura été faite duement. Bien entendu que l'excluſion ſtipulée dans le préſent article n'aura lieu qu'autant, et ſi long tems que le Roi et les Etats Unis n'auront point accordé à cet égard d'exception à quelque nation que ce puiſſe être.

ARTICLE X.

Les Etats Unis, leurs citoiens et habitans ne troubleront jamais les ſujets du Roi très Chrê-

Citizens of U. States ſhall not diſturb ſubjects of France in their right of fiſhing on banks of Newfoundland.

Moſt Chriſtian King in the enjoyment and exerciſe of the right of fiſhing on the banks of Newfoundland, nor in the indefinite and excluſive right which belongs to them on that part of the coaſt of that iſland which is deſigned by the treaty of Utrecht, nor in the rights relative to all, and each of the iſles which belong to his Moſt Chriſtian Majeſty, the whole conformable to the true ſenſe of the treaties of Utrecht and Paris.

*ARTICLE XI.

The ſubjects and inhabitants of the ſaid United States, or any one of them, ſhall not be reputed aubains in France, and conſequently ſhall be exempted from the *droit d'aubaine*, or other ſimilar duty under what name ſoever. They may by teſtament, donation, or other-

* *The two following Articles were originally agreed to, but afterwards reſcinded; to wit:*

ARTICLE XI.

It is agreed and concluded that there ſhall never be any duty impoſed on the exportation of the molaſſes that may be taken by the ſubjects of any of the United States, from the iſlands of America which belong, or may hereafter appertain to his Moſt Chriſtian Majeſty.

ARTICLE XII.

In compenſation of the exemption ſtipulated by the preceding article, it is agreed and concluded, that there ſhall never be any duties impoſed on the exportation of any kind of merchandize which the ſubjects of his Moſt Chriſtian Majeſty may take from the countries and poſſeſſions, preſent or future, of any of the Thirteen United States, for the uſe of the iſlands which ſhall furniſh molaſſes.

tien dans la jouiſſance et exerciſe du droit de pêche ſur les bancs de Terre neuve, non plus que dans la jouiſſance indéfinie et excluſive qui leur appartient ſur la partie des côtes de cette iſle, deſignée dans le traité d'Utrecht, ni dans les droits rélatifs à toutes et chacune des iſles qui apartiennent à ſa Majeſté très Chrêtienne ; le tout conformément au véritable ſens des traités d'Utrecht et de Paris.

* ARTICLE XI.

Les ſujets et habitans des dits Etats Unis ou de l'un d'eux ne ſeront point réputés aubains en France, et conſéquemment ſeront exemts du droit d'aubaine ou autre droit ſemblable quelque nom qu'il puiſſe avoir ; pourront diſpoſer par teſtament, donation, ou autrement

* *Les deux articles ſuivans avaient été originairement convenus, mais ils ont été depuis révoqués ; ſavoir :*

ARTICLE XI.

Il eſt convenu et arrêté qu'il ne ſera jamais impoſé aucun droit ſur l'exportation des melaſſes qui pourront être tirées par les ſujets d'aucun des Etats Unis des iſles d'Amérique qui appartiennent ou pourront appartenir à ſa Majeſté trés Chrêtienne.

ARTICLE XII.

En compenſation de l'exemtion ſtipulée par l'article précédent, il eſt convenu et arrêté qu'il ne ſera jamais impoſé aucun droit ſur l'exportation d'aucune eſpèce de denrées et marchandiſes que les ſujets de ſa Majeſté trés Chrêtienne pourront tirer des pays ou poſſeſſions actuelles ou futures d'aucun des Treize Etats Unis pour l'uſage des iſles qui fourniſſent les melaſſes.

Citizens of U. States exempted from *droit d'aubaine*, & may diſpoſe of their eſtate.

wiſe, diſpoſe of their goods, moveable and immoveable, in favor of ſuch perſons as to them ſhall ſeem good, and their heirs, ſubjects of the ſaid United States, reſiding whether in France or elſewhere, may ſucceed them *ab inteſtat*, without being obliged to obtain letters of naturalization, and without having the effect of this conceſſion conteſted or impeded under pretext of any rights or prerogative of pro-

Act of France reſcinding the foregoing articles.

TRANSLATION.

The General Congreſs of the United States of North America, having repreſented to the King that the execution of the eleventh article of the treaty of Amity and Commerce, ſigned the ſixth of February laſt, might be productive of inconveniences; and having therefore deſired the ſuppreſſion of this article, conſenting in return that the twelfth article ſhall likewiſe be conſidered of no effect: His Majeſty in order to give a new proof of his affection, as alſo of his deſire to conſolidate the union and good correſpondence eſtabliſhed between the two States, has been pleaſed to conſider their repreſentations: His Majeſty has conſequently declared, and does declare by theſe preſents, that he conſents to the ſuppreſſion of the eleventh and twelfth aforementioned articles, and that his intention is, that they be conſidered as having never been comprehended in the treaty ſigned the ſixth of February laſt.

Done at Verſailles the firſt day of the month of September, one thouſand ſeven hundred and ſeventy-eight.

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de leurs biens meubles et immeubles en faveur de telles perſonnes que bon leur ſemblera ; et leurs héritiers, ſujets des dits Etats Unis, reſidans ſoit en France ſoit ailleurs, pourront leur ſuccéder *ab inteſtat*, ſans qu'ils aient beſoin d'obtenir des lettres de naturalité, et ſans que l'effet de cette conceſſion leur puiſſe être conteſté ou empêché ſous pretexte de quelques droits ou prérogatives des provinces villes ou

Acte de la France révoquant les articles précédens.

ORIGINAL.

Le Congrès Général des Etats Unis de l'Amérique Septentrionale ayant repreſenté au Roi que l'exécution de l'article onze du traité d'Amitié et de Commerce, ſigné le ſix du mois de Février dernier, pourroit entrainer des inconvénients aprés ſoi, et ayant deſiré en conſéquence que cet article demeurât ſupprimé ; conſentant en échange que l'article douze ſoit également regardé comme non avenu, ſa Majeſté, pour donner aux Etats Unis de l'Amérique Septentrionale une nouvelle preuve de ſon affection, ainſi que de ſon deſir de conſolider l'union et la bonne correſpondance établies entre les deux Etats, à bien voulu avoir égard à leurs repréſentations ; En conſéquence ſa Majeſté à déclaré et déclare par les préſentes, qu'elle conſent á la ſuppreſſion des articles onze et douze ſuſmentionnés, et que ſon intention eſt, qu'ils ſoient regardés comme n'ayant jamais été compris dans le traité ſigné le ſix Février dernier.

FAIT *à Verſailles le premier jour du mois de Septembre mil ſept cent ſoixante et dix huit.*

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vinces, cities, or private perſons; and the ſaid heirs, whether ſuch by particular title, or *ab inteſtat*, ſhall be exempt from all duty called *droit de detraction*, or other duty of the ſame kind, ſaving nevertheleſs the local rights or duties as much, and as long as ſimilar ones are not eſtabliſhed by the United States, or any of them. The ſubjects of the Moſt Chriſtian King ſhall enjoy on their part in all the dominions of the ſaid States, an entire and perfect reciprocity relative to the ſtipulations contained in the preſent article, but it is at the

Subjects of France have ſimilar privileges.

Act of the United States reſcinding the foregoing articles.

ORIGINAL.

DECLARATION.

The moſt Chriſtian King having been pleaſed to regard the repreſentations made to him by the General Congreſs of North America, relative to the eleventh article of the treaty of commerce, ſigned the ſixth of February in the preſent year; and his majeſty having therefore conſented that the ſaid article ſhould be ſuppreſſed, on condition that the twelfth article of the ſame treaty be equally regarded as of none effect; the General Congreſs hath declared, and do declare on their part, that they conſent to the ſuppreſſion of the eleventh and twelfth articles of the above mentioned treaty, and that their intention is, that theſe articles be regarded as having never been comprized in the treaty ſigned the ſixth of February. In faith whereof, &c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

perſonnes privées. Et feront les dits héritiers ſoit à titre particulier ſoit *ab inteſtat* exemts de tout droit de detraction ou autre droit de ce genre; ſauf néanmoins les droits locaux tant, et ſi long tems, qu'il n'en ſera point établi de pareils par les dits Etats Unis ou aucun d'iceux. Les ſujets du Roi très Chrêtien jouiront de leur côté dans tous les domaines des dits Etats d'une entiére et parfaite réciprocité relativement aux ſtipulations renfermées dans le preſent article. Mais il eſt convenu en même tems que ſon contenu ne portera aucune atteinte

Acte des Etats Unis révoquant les articles précédens.

ORIGINAL.

DECLARATION.

Le Roi très Chrétien ayant bien voulu avoir égard aux repréſentations que lui a faites le Congrés Général de l'Amérique Septentrionale, relativement à l'article onze du traité de commerce, ſigné le ſix Février de la preſente année; et ſa Majeſté ayant conſenti en conſéquence que le dit article demeurât ſupprimé à condition que l'article douze du même traité fût également regardé comme non avenu; le Congrés Général à déclaré et déclare de ſon côté qu'il conſent à la ſuppreſſion des articles onze et douze ſuſmentionnés, et ſon intention eſt, qu'ils ſoient regardés comme n'ayant jamais eté compris dans le traité ſigné le ſix Février dernier. En foi de quoi, &c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

ſame time agreed that its contents ſhall not affect the laws made, or that may be made hereafter in France againſt emigrations which ſhall remain in all their force and vigour, and the United States on their part, or any of them, ſhall be at liberty to enact ſuch laws, relative to that matter, as to them ſhall ſeem proper.

ARTICLE XII.

Ships ſuſpected ſhall exhibit paſſports and certificates.

The merchant ſhips of either of the parties which ſhall be making into a port belonging to the enemy of the other ally, and concerning whoſe voyage, and the ſpecies of goods on board her, there ſhall be juſt grounds of ſuſpicion, ſhall be obliged to exhibit as well upon the high ſeas, as in the ports and havens, not only her paſſports, but likewiſe certificates, expreſsly ſhewing that her goods are not of the number of thoſe which have been prohibited as contraband.

ARTICLE XIII.

How to proceed in caſe of contraband goods.

If by the exhibiting of the aboveſaid certificates, the other party diſcover there are any of thoſe ſorts of goods which are prohibited and declared contraband, and conſigned for a port under the obedience of his enemies, it ſhall not be lawful to break up the hatches of ſuch ſhip, or to open any cheſt, coffers, packs, caſks, or any other veſſels found therein, or to remove the ſmalleſt parcels of her goods, whether ſuch ſhip belongs to the ſubjects of France, or the inhabitants of the ſaid United States, unleſs the lading be brought on ſhore in the preſence of the officers of the court of admiralty, and an inventory thereof made; but there ſhall be no allowance to ſell, exchange or alienate the ſame, in any manner, until after that due and lawful proceſs ſhall

aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la ſuite, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté ou aucun d'entr' eux, ſeront libres de ſtatuer ſur cette matière telle loi qu'ils jugeront àpropos.

ARTICLE XII.

Les navires marchands des deux parties qui ſeront deſtinés pour des ports appartenants à une puiſſance ennemie de l'autre allié et dont le voiage ou la nature des marchandiſes dont ils ſeront chargés donneroit de juſtes ſoupçons, ſeront tenus d'exhiber ſoit en haute mer, ſoit dans les ports et havres, non ſeulement leurs paſſeports mais encore les certificats qui conſtateront expreſſément que leur chargement n'eſt pas de la qualité de ceux qui ſont prohibés comme contrebande.

ARTICLE XIII.

Si l'exhibition des dits certificats conduit à découvrir que le navire porte des marchandiſes prohibées et reputées contrebande, conſignées pour un port ennemi, il ne ſera pas permis de briſer les écoutilles des dits navires, ni d'ouvrir aucune caiſſe, coffre, malle, ballots, tonneaux et autres caiſſes qui s'y trouveront, ou d'en déplacer et détourner la moindre partie des marchandiſes ſoit que le navire appartienne aux ſujets du Roi très Chrêtien ou aux habitans des Etats Unis, juſqu' à ce que la cargaiſon ait été miſe à terre en préſence des officiers des cours d'amirauté, et que l'inventaire en ait été fait ; mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur cargaiſon en maniére quelconque, avant que le procés ait été fait et par-

have been had againſt ſuch prohibited goods, and the court of admiralty ſhall by a ſentence pronounced have confiſcated the ſame: ſaving always as well the ſhip itſelf as any other goods found therein, which by this treaty are to be eſteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much leſs ſhall they be confiſcated, as lawful prize: but if not the whole cargo, but only part thereof ſhall conſiſt of prohibited or contraband goods, and the commander of the ſhip ſhall be ready and willing to deliver them to the captor, who has diſcovered them, in ſuch caſe, the captor having received thoſe goods, ſhall forthwith diſcharge the ſhip, and not hinder her by any means, freely to proſecute the voyage on which ſhe was bound. But in caſe the contraband merchandizes cannot be all received on board the veſſel of the captor, then the captor may, notwithſtanding the offer of delivering him the contraband goods, carry the veſſel into the neareſt port agreeable to what is above directed.

ARTICLE XIV.

Goods found in an enemy's ſhip may be confiſcated, unleſs put on board before declaration of war, or within two months after.

On the contrary it is agreed, that whatever ſhall be found to be laden by the ſubjects and inhabitants of either party on any ſhip belonging to the enemies of the other, or to their ſubjects, the whole although it be not of the ſort of prohibited goods, may be confiſcated in the ſame manner as if it belonged to the enemy, except ſuch goods and merchandizes as were put on board ſuch ſhip before the declaration of war, or even after ſuch declaration, if ſo be it were done without knowledge of ſuch declaration, ſo that the goods of the ſubjects

fait légalement pour déclarer la contrebande, et que les cours d'amirauté auront prononcé leur confiscation par jugement, sans préjudice néanmoins des navires, ainsi que des marchandises qui en vertu du traité doivent être censées libres. Il ne sera pas permis de retenir ces marchandises sous pretexte qu'elles ont été entachées par les marchandises de contrebande et bien moins encore de les confisquer comme des prises légales. Dans le cas où une partie seulement et non la totalité du chargement consisteroit en marchandises de contrebande, et que le commandant du vaisseau consente à les délivrer au corsaire qui les aura découvertes, alors le capitaine qui aura fait la prise, après avoir reçu ces marchandises, doit incontinent relâcher le navire et ne doit l'empêcher en aucune maniére de continuer son voyage. Mais dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées sur le vaisseau capteur, alors le capitaine du dit vaisseau sera le maître, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformément à ce qui est prescrit plus haut.

ARTICLE XIV.

On est convenu au contraire que tout ce qui se trouvera chargé par les sujets respectifs sur des navires appartenants aux ennemis de l'autre partie ou à leurs sujets sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenoient à l'ennemi, à l'exception toutefois, des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration de guerre, ou même après la dite déclaration, si au moment du chargement on a pû l'ignorer, de maniére que les marchandises des sujets

and people of either party, whether they be of the nature of ſuch as are prohibited or otherwiſe, which as is aforeſaid, were put on board any ſhip belonging to an enemy before the war or after the declaration of the ſame, without the knowledge of it, ſhall no ways be liable to confiſcation, but ſhall well and truely be reſtored without delay to the proprietors demanding the ſame; but ſo as that if the ſaid merchandizes be contraband it ſhall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being paſſed after the declaration of war, their reſpective ſubjects, from whatever part of the world they come, ſhall not plead the ignorance mentioned in this article.

ARTICLE XV.

Ships of war and privateers to do no injury to either party, if they do, to be puniſhed and make reparation to the party injured.

And that more effectual care may be taken for the ſecurity of the ſubjects and inhabitants of both parties, that they ſuffer no injury by the men of war or privateers of the other party, all the commanders of the ſhips of his Moſt Chriſtian Majeſty and of the ſaid United States, and all their ſubjects and inhabitants, ſhall be forbid doing any injury or damage to the other ſide; and if they act to the contrary they ſhall be puniſhed, and ſhall moreover be bound to make ſatisfaction for all matter of damage, and the intereſt thereof, by reparation, under the pain and obligation of their perſon and goods.

ARTICLE XVI.

All ſhips and merchandizes of what nature ſoever, which ſhall be reſcued out of the hands of any pirates or robbers on the high ſeas, ſhall

des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, les quelles comme il vient d'être dit, auront été mises à bord d'un vaisseau appartenant à l'ennemi, avant la guerre ou même après la dite déclaration, l'orsqu'on l'ignoroit, ne seront en aucune manière, sujètes à confiscation, mais seront fidelement et de bonne foi rendues sans délai à leurs propriétaires, qui les réclameront; bien entendu néanmoins qu'il ne soit pas permis de porter dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois, passés depuis la déclaration de guerre, leurs sujets respectifs, de quelque partie du monde qu'ils viennent ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ARTICLE XV.

Et afin de pourvoir plus efficacement à la sûreté des sujets des deux parties contractantes, pour qu'il ne leur soit fait aucun préjudice par les vaisseaux de guerre de l'autre partie ou par des armateurs particuliers, il sera fait défense à tous capitaines des vaisseaux de sa Majesté très Chrétienne et des dits Etats Unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis; et, de plus, ils seront tenus et obligés en leurs personnes et en leurs biens de réparer tous les dommages et intérêts.

ARTICLE XVI.

Tous vaisseaux et marchandises de quelque nature que ce puisse être, lors qu'ils auront été enlevés des mains de quelques pirates en pleine

All ſhips & merchandize reſcued out of the hands of pirates to be reſtored.

be brought into ſome port of either ſtate, and ſhall be delivered to the cuſtody of the officers of that port, in order to be reſtored entire to the true proprietor, as ſoon as due and ſufficient proof ſhall be made concerning the property thereof.

ARTICLE XVII.

Prizes may be carried into the ports of either party.

It ſhall be lawful for the ſhips of war of either party, and privateers, freely to carry whitherſoever they pleaſe, the ſhips and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor ſhall ſuch prizes be arreſted or ſeized when they come to and enter the ports of either party; nor ſhall the ſearchers or other officers of thoſe places ſearch the ſame, or make examination concerning the lawfulneſs of ſuch prizes; but they may hoiſt ſail at any time, and depart and carry their prizes to the places expreſſed in their commiſſions, which the commanders of ſuch ſhips of war ſhall be obliged to ſhew: on the contrary, no ſhelter or refuge ſhall be given in their ports to ſuch as ſhall have made prize of the ſubjects, people or property of either of the parties; but if ſuch ſhall come in, being forced by ſtreſs of weather, or the danger of the ſea, all proper means ſhall be vigorouſly uſed, that they go out and retire from thence as ſoon as poſſible.

No ſhelter ſhall be given to the captors of prizes from either party.

ARTICLE XVIII.

Caſe of ſhipwreck, relief to be afforded.

If any ſhip belonging to either of the parties, their people or ſubjects, ſhall within the coaſts or dominions of the other, ſtick upon the ſands, or be wrecked, or ſuffer any other damage, all friendly aſſiſtance and relief ſhall be given to the perſons ſhipwrecked, or ſuch as

mer, ſeront amenés dans quelque port de l'un des deux Etats, et ſeront remis à la garde des officiers du dit port afin d'être rendus, en entier, à leur véritable propriétaire, auſſitôt qu'il aura duement et ſuffiſament fait conſter de ſa propriété.

ARTICLE XVII.

Les vaiſſeaux de guerre de ſa Majeſté très Chrêtienne et ceux des Etats Unis, de même que ceux que leurs ſujets auront armés en guerre, pourront, en toute liberté, conduire où bon leur ſemblera les priſes qu'ils auront faites ſur leurs ennemis, ſans être obligés à aucuns droits, ſoit des ſieurs amiraux ou de l'amirauté ou d'aucuns autres, ſans qu'auſſi les dits vaiſſeaux ou les dites priſes, entrant dans les havres ou ports de ſa Majeſté très Chrêtienne ou des dits Etats Unis, puiſſent être arrêtés ou ſaiſis, ni que les officiers des lieux puiſſent prendre connoiſſance de la validité des dites priſes, les quelles pourront ſortir et être conduites franchement et en toute liberté, aux lieux portés par les commiſſions dont les capitaines des dits vaiſſeaux ſeront obligés de faire apparoir. Et au contraire, ne ſera donné aſile ni retraite dans leurs ports ou havres à ceux qui auront fait des priſes ſur les ſujets de ſa Majeſté ou des dits Etats Unis ; et s'ils ſont forcés d'y entrer par tempête ou peril de la mer, on les fera ſortir le plutôt qu'il ſera poſſible.

ARTICLE XVIII.

Dans le cas où un vaiſſeau appartenant à l'un des deux Etats ou à leurs ſujets, aura échoué, fait naufrage ou ſouffert quelqu' autre dommage ſur les côtes ou ſous la domination de l'une des deux parties, il ſera donné toute aide et aſſiſtance amiable aux perſonnes nau-

ſhall be in danger thereof. And letters of ſafe conduct ſhall likewiſe be given to them for their free and quiet paſſage from thence and the return of every one to his own country.

ARTICLE XIX.

When veſſels by ſtreſs of weather, &c. are forced into ports, &c. they ſhall be protected and permitted to depart.

In caſe the ſubjects and inhabitants of either party, with their ſhipping, whether public and of war, or private and of merchants, be forced through ſtreſs of weather, purſuit of pirates, or enemies, or any other urgent neceſſity for ſeeking of ſhelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports belonging to the other party, they ſhall be received and treated with all humanity and kindneſs, and enjoy all friendly protection and help; and they ſhall be permitted to refreſh and provide themſelves, at reaſonable rates, with victuals and all things needful for the ſuſtenance of their perſons, or reparation of their ſhips, and conveniency of their voyage; and they ſhall no ways be detained or hindered from returning out of the ſaid ports or roads, but may remove and depart when and whither they pleaſe, without any let or hindrance.

ARTICLE XX.

In caſe of war, ſix months ſhall be allowed to citizens of each party reſiding in the other's dominion to ſell and remove their effects.

For the better promoting of commerce on both ſides, it is agreed, that if a war ſhall break out between the ſaid two nations, ſix months after the proclamation of war, ſhall be allowed to the merchants in the cities and towns where they live for ſelling and tranſporting their goods and merchandizes; and if any thing be taken from them, or any injury be done them within that term by either party, or the people or ſubjects of either, full ſatisfaction ſhall be made for the ſame.

fragées ou qui ſe trouvent en danger, et il leur ſera accordé des ſauf conduits pour aſſûrer leur paſſage et leur retour dans leur patrie.

ARTICLE XIX.

Lorſque les ſujets et habitans de l'une des deux parties avec leurs vaiſſeaux ſoit publics et de guerre, ſoit particuliers et marchands, ſeront forcés par une tempête, par la pourſuite des pirates et des ennemis, ou par quelqu' autre neceſſité urgente, de chercher refuge et un abri, de ſe retirer et entrer dans quelqu' une des riviéres, bayes, rades ou ports de l'une des deux parties, ils ſeront reçus et traités avec humanité, et jouiront de toute amitié, protection et aſſiſtance, et il leur ſera permis de ſe pourvoir de raffraichiſſemens, de vivres, et de toutes choſes néceſſaires pour leur ſubſiſtance, pour la reparation de leurs vaiſſeaux, et pour continuer leur voïage ; le tout moïennant un prix raiſonable, et ils ne ſeront retenus en aucune maniére, ni empêchés de ſortir des dits ports ou rades, mais pourront ſe retirer et partir quand, et comme il leur plaira, ſans aucun obſtacle ni empêchement.

ARTICLE XX.

Afin de promouvoir d'autant mieux le commerce de deux côtés, il eſt convenu que dans le cas où la guerre ſurviendroit entre les deux nations ſuſdites, il ſera accordé ſix mois, après la déclaration de guerre, aux marchands dans les villes et cités qu'ils habitent, pour raſſembler et tranſporter les marchandiſes : et s'il en eſt enlevé quelque choſe ou s'il leur a été fait quelqu' injure durant le terme preſcrit cideſſus par l'une des deux parties, leurs peuples ou ſujets, il leur ſera donné à cet égard pleine et entiére ſatisfaction.

ARTICLE XXI.

Citizens of neither party ſhall take commiſſions or letters of marque from any prince or ſtate with whom the other is at war, to act as privateers.

No ſubjects of the Moſt Chriſtian King ſhall apply for or take any commiſſion, or letters of marque, for arming any ſhip or ſhips to act as privateers againſt the ſaid United States, or any of them, or againſt the ſubjects, people or inhabitants of the ſaid United States, or any of them, or againſt the property of any of the inhabitants of any of them, from any Prince or State with which the ſaid United States ſhall be at war; nor ſhall any citizen, ſubject, or inhabitant of the ſaid United States, or any of them, apply for or take any commiſſion or letters of marque for arming any ſhip or ſhips, to act as privateers againſt the ſubjects of the Moſt Chriſtian King, or any of them, or the property of any of them, from any Prince or State with which the ſaid King ſhall be at war; and if any perſon of either nation ſhall take ſuch commiſſions or letters of marque, he ſhall be puniſhed as a pirate.

ARTICLE XXII.

Foreign privateers not allowed to be fitted out, or to ſell their prizes in the ports of either party.

It ſhall not be lawful for any foreign privateers, not belonging to ſubjects of the Moſt Chriſtian King, nor citizens of the ſaid United States, who have commiſſions from any other Prince or State in enmity with either nation, to fit their ſhips in the ports of either the one or the other of the aforeſaid parties, to ſell what they have taken, or in any other manner whatſoever to exchange their ſhips, merchandizes, or any other lading; neither ſhall they be allowed even to purchaſe victuals, except ſuch as ſhall be neceſſary for their going to the next port of that Prince or State from which they have commiſſions.

ARTICLE XXI.

Aucun ſujet du Roi très Chrêtien ne prendra de commiſſion ou de lettres de marque, pour armer quelque vaiſſeau ou vaiſſeaux à l'effet d'agir comme corſaires contre les dits Etats Unis ou quelques uns d'entr' eux, ou contre les ſujets, peuples ou habitans d'iceux, ou contre leur propriété ou celle des habitans d'aucun d'entr' eux, de quelque prince que ce ſoit avec lequel les dits Etats Unis ſeront en guerre. De même aucun citoïen, ſujet, ou habitant des ſuſdits Etats Unis et de quelqu' un d'entr' eux, ne demandera ni n'acceptera aucune commiſſion ou lettres de marque, pour armer quelque vaiſſeau, ou vaiſſeaux pour courre ſus aux ſujets de ſa Majeſté très Chrêtienne, ou quelques uns d'entre eux ou leur propriété, de quelque prince ou état que ce ſoit avec qui ſa dite Majeſté ſe trouvera en guerre; et ſi quelqu' un de l'une ou de l'autre nation prenoit de pareilles commiſſions ou lettres de marque, il ſera puni comme pirate.

ARTICLE XXII.

Il ne ſera permis à aucun corſaire étranger non appartenant à quelque ſujet de ſa Majeſté très Chrêtienne ou à un citoïen des dits Etats Unis, lequel aura une commiſſion de la part d'un prince ou d'une puiſſance en guerre avec l'une des deux nations, d'armer leurs vaiſſeaux dans les ports de l'une des deux parties, ni d'y vendre les priſes qu'il aura faites, ni décharger en autre manière quelconque les vaiſſeaux, marchandiſes ou aucune partie de leur cargaiſon; il ne ſera même pas permis d'acheter d'autres vivres que ceux qui lui ſeront néceſſaires pour ſe rendre dans le port le plus voiſin du prince ou de l'état dont il tient ſa commiſſion....

ARTICLE XXIII.

Liberty for either party to trade with a nation at war with the other.

It ſhall be lawful for all and ſingular th ſubjects of the Moſt Chriſtian King, and th citizens, people and inhabitants of the ſai United States, to ſail with their ſhips with al manner of liberty and ſecurity, no diſtinctio being made, who are the proprietors of th merchandizes laden thereon, from any port tc the places of thoſe who now are or hereafte ſhall be at enmity with the Moſt Chriſtian King, or the United States. It ſhall likewiſe be lawful for the ſubjects and inhabitants aforeſaid, to ſail with the ſhips and merchandizes aforementioned, and to trade with the ſame liberty and ſecurity from the places, ports and havens of thoſe who are enemies of both or either party, without any oppoſition or diſturbance whatſoever, not only directly from the places of the enemy aforementioned to neutral places, but alſo from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the juriſdiction of the ſame Prince, or under ſeveral. And it is hereby ſtipulated, that free ſhips ſhall alſo give a freedom to goods, and that every thing ſhall be deemed to be free and exempt which ſhall be found on board the ſhips belonging to the ſubjects of either of the confederates, although the whole lading, or any part thereof ſhould appertain to the enemies of either, contraband goods being always excepted. It is alſo agreed in like manner, that the ſame liberty be extended to perſons who are on board a free ſhip, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ſhip, unleſs they are ſoldiers and in actual ſervice of the enemy.

Free ſhips make free goods, excepting contraband articles.

ARTICLE XXIII.

Il ſera permis à tous et un chacun des ſujets du Roi très Chrêtien et aux citoïens, peuple et habitans des ſuſdits Etats Unis, de naviguer avec leurs bâtimens avec toute liberté et ſûreté, ſans qu'il puiſſe être fait d'exception à cet égard, à raiſon des propriétaires des marchandiſes chargées ſur les dits bâtimens venant de quelque port que ce ſoit, et deſtinés pour quelque place d'une puiſſance actuellement ennemie, ou qui pourra l'être dans la ſuite de ſa Majeſté très Chrêtienne ou des Etats Unis. Il ſera permis également aux ſujets et habitans ſus mentionnés de naviguer avec leurs vaiſſeaux et marchandiſes et de fréquenter avec la même liberté et ſûreté, les places, ports, et havres des puiſſances ennemies des deux parties contractantes ou d'une d'entre elles, ſans oppoſition ni trouble, et de faire le commerce non ſeulement directement des ports de l'ennemi ſuſdit à un port neutre, mais auſſi d'un port ennemi à un autre port ennemi, ſoit qu'il ſe trouve ſous ſa juriſdiction ou ſous celle de pluſieurs ; et il eſt ſtipulé par le préſent traité que les bâtimens libres aſſûreront également la liberté des marchandiſes, et qu'on jugera libres toutes les choſes qui ſe trouveront àbord des navires appartenants aux ſujets d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendroit aux ennemis de l'une des deux ; bien entendu néanmoins que la contrebande ſera toujours exceptée. Il eſt également convenu que cette même liberté s'étendra aux perſonnes qui pourroient ſe trouver àbord du bâtiment libre, quand même elles ſeroient ennemies de l'une des deux parties contractantes, et elles ne pourront être enlevées des dits navires, à moins qu'elles ne ſoient militaires et actuellement au ſervice de l'ennemi.

ARTICLE XXIV.

What goods shall be deemed contraband.

This liberty of navigation and commerce ſhall extend to all kinds of merchandizes, excepting thoſe only which are diſtinguiſhed by the name of contraband, and under this name of contraband or prohibited goods, ſhall be comprehended arms, great guns, bombs with the fuſees, and other things belonging to them, cannon ball, gunpowder, match, pikes, ſwords, lances, ſpears, halberds, mortars, petards, granades, ſaltpetre, muſkets, muſket ball, bucklers, helmets, breaſt plates, coats of mail, and the like kinds of arms, proper for arming ſoldiers, muſket reſts, belts, horſes with *their* furniture, and all other warlike inſtruments whatever. Theſe merchandizes which follow ſhall not be reckoned among contraband or prohibited goods; that is to ſay, all ſorts of cloths, and all other manufactures woven of any wool, flax, ſilk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the ſpecies whereof they are uſed to be made, gold and ſilver, as well coined as uncoined, tin, iron, latten, copper, braſs, coals; as alſo wheat and barley, and any other kind of corn and pulſe; tobacco, and likewiſe all manner of ſpices; ſalted and ſmoked fleſh, ſalted fiſh, cheeſe and butter, beer, oils, wines, ſugars, and all ſorts of ſalts; and in general all proviſions which ſerve for the nouriſhment of mankind and the ſuſtenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, ſails, ſail cloths, anchors and any parts of anchors, alſo ſhips maſts, planks, boards and beams of what trees ſoever; and all other things proper either for building or repairing ſhips, and all other goods whatever which have not been worked into the

ARTICLE XXIV.

Cette liberté de navigation et de commerce doit s'étendre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont désignées sous le nom de contrebande : Sous ce nom de contrebande ou de marchandises prohibées, doivent être compris les armes, canons, bombes avec leurs fusées et autres choses y relatives, boulets, poudre à tirer, mèches, piques, épées, lances, dards, hallebardes, mortiers, petards, grénades, salpêtre, fusils, balles, boucliers, casques, cuirasses, coté de mailles, et autres armes de cette espèce, propres à armer les soldats, porte-mousqueton, baudriers, chevaux avec leurs équipages, et tous autres instrumens de guerre quelconques. Les marchandises dénommées ci-après ne seront pas compriſes parmi la contrebande ou choses prohibées, savoir : toutes sortes de draps et toutes autres étoffes de laine, lin, soye, coton ou d'autres matiéres quelconques ; toutes sortes de vêtemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoïé ou non, l'étain, le fer, laiton, cuivre, airain, charbons, de même que le froment et l'orge, et toute autre sorte de bleds et légumes ; le tabac et toutes les sortes d'épiceries, la viande salée et fumée, poisson salé, fromage et beurre, bierre, huiles, vins, sucres, et toute espéce de sel, et en général toutes provisions servant pour la nourriture de l'homme et pour le soutien de la vie. De plus, toutes sortes de coton, de chanvre, lin, goudron, poix, cordes, cables, voiles, toiles à voiles, ancres, parties d'ancres, mats, planches, madriers, et bois de toute espéce, et toutes autres choses propres à la construction et réparation des vaisseaux, et autres matières quelconques qui n'ont pas la forme d'un in-

form of any inſtrument or thing prepared for war by land or by ſea, ſhall not be reputed contraband, much leſs ſuch as have been already wrought and made up for any other uſe: all which ſhall be wholly reckoned among free goods; as likewiſe all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; ſo that they may be tranſported and carried in the freeſt manner by the ſubjects of both confederates, even to places belonging to an enemy, ſuch towns or places being only excepted, as are at that time beſieged, blocked up or inveſted.

ARTICLE XXV.

Ships and veſſels to be furniſhed with ſea letters or paſſports and certificates.

To the end that all manner of diſſentions and quarrels may be avoided and prevented, on one ſide and the other, it is agreed, that in caſe either of the parties hereto ſhould be engaged in war, the ſhips and veſſels belonging to the ſubjects or people of the other ally, muſt be furniſhed with ſea letters or paſſports, expreſſing the name, property and bulk of the ſhip, as alſo the name and place of habitation of the maſter or commander of the ſaid ſhip, that it may appear thereby that the ſhip really and truly belongs to the ſubjects of one of the parties, which paſſport ſhall be made out and granted according to the form annexed to this treaty; they ſhall likewiſe be recalled every year, that is if the ſhip happens to return home within the ſpace of a year. It is likewiſe agreed, that ſuch ſhips being laden are to be provided not only with paſſports as above-mentioned, but alſo with certificates, containing the ſeveral particulars of the cargo, the place whence

ſtrument préparé pour la guerre par terre comme par mer, ne ſeront pas reputées contrebande, et encore moins celles qui ſont déja préparées pour quelqu' autre uſage: Toutes les choſes dénommées ci-deſſus, doivent être compriſes parmi les marchandiſes libres, de même que toutes les autres marchandiſes et effets qui ne ſont pas compris et particuliérement nommés dans l'énumération des marchandiſes de contrebande; de manière qu'elles pourront être tranſportées et conduites de la manière la plus libre, par les ſujets des deux parties contractantes, dans des places ennemies, à l'exception néanmoins de celles qui ſe trouveroient actuellement aſſiegées, bloquées ou inveſties.

ARTICLE XXV.

Afin d'écarter et de prévenir de part et d'autre toutes diſcuſſions et querelles, il a été convenu que dans le cas où l'une des deux parties ſe trouveroit engagée dans une guerre, les vaiſſeaux et bâtimens appartenans aux ſujets ou peuple de l'autre allié, devront être pourvus de lettres de mer ou paſſeports, les quels exprimeront le nom, la propriété et le port du navire, ainſi que le nom et la demeure du maître ou commandant du dit vaiſſeau, afin qu'il apparoiſſe par là que le même vaiſſeau appartient r.ellement et véritablement aux ſujets de l'une des deux parties contractantes; lequel paſſeport devra être expédié ſelon le modèle annexé au preſent traité. Ces paſſeports devront également etre renouvellés chaque année, dans le cas où le vaiſſeau retourne chez lui dans l'eſpace d'une année. Il a été convenu également que les vaiſſeaux ſuſmentionnés, dans le cas où ils ſeroient chargés, devront être pourvus non ſeulement de paſſe-

the ſhip ſailed, and whither ſhe is bound, that ſo it may be known whether any forbidden or contraband goods be on board the ſame; which certificates ſhall be made out by the officers of the place whence the ſhip ſet ſail, in the accuſtomed form; and if any one ſhall think it fit or adviſable to expreſs in the ſaid certificates, the perſon to whom the goods on board belong, he may freely do ſo.

ARTICLE XXVI.

Veſſels coming on the coaſt or entering the ports of either party how to be treated.

The ſhips of the ſubjects and inhabitants of either of the parties, coming upon any coaſts belonging to either of the ſaid allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they ſhall be treated according to the general rules preſcribed or to be preſcribed, relative to the object in queſtion.

ARTICLE XXVII.

How veſſels are to be treated when met by ſhips of war or privateers.

If the ſhips of the ſaid ſubjects, people or inhabitants of either of the parties ſhall be met with, either ſailing along the coaſts or on the high ſeas, by any ſhip of war of the other, or by any privateers, the ſaid ſhips of war or privateers, for the avoiding of any diſorder, ſhall remain out of cannon ſhot, and may ſend their boats aboard the merchant ſhip which they ſhall ſo meet with, and may enter her to number of two or three men only, to whom the maſter or commander of ſuch ſhip or veſſel ſhall exhibit his paſſport concerning the property of the ſhip, made out according to the form inſerted in this preſent treaty, and the ſhip when ſhe ſhall have ſhewed ſuch paſſport, ſhall be free and at liberty to purſue her

ports, mais auſſi de certificats, contenant le détail de la cargaiſon, le lieu d'où le vaiſſeau eſt parti, et la déclaration des marchandiſes de contrebande qui pourroient ſe trouver àbord ; lesquels certificats devront être expédiés dans la forme accoutumée par les officiers du lieu d'où le vaiſſeau aura fait voile : et s'il étoit jugé utile ou prudent d'exprimer dans les dits paſſeports, la perſonne à laquelle les marchandiſes appartiennent, on pourra le faire librement.

ARTICLE XXVI.

Dans le cas où les vaiſſeaux des ſujets et habitans de l'une des deux parties contractantes approcheroient des côtes de l'autre, ſans cependant avoir le deſſein d'entrer dans le port, ou après être entrés, ſans avoir le deſſein de décharger la cargaiſon, ou rompre leur charge, on ſe conduira à leur égard ſuivant les réglemens généraux preſcrits ou à preſcrire relativement à l'objet dont il eſt queſtion.

ARTICLE XXVII.

Lorſqu'un bâtiment appartenant aux dits ſujets, peuple et habitans de l'une des deux parties, ſera rencontré navigant le long des côtes ou en pleine mer, par un vaiſſeau de guerre de l'autre, ou par un armateur, le dit vaiſſeau de guerre, ou armateur, afin d'éviter tout déſordre, ſe tiendra hors de la portée du canon, et pourra envoïer ſa chaloupe àbord du bâtiment marchand, et y faire entrer deux ou trois hommes, aux quels le maître ou commandant du bâtiment montrera ſon paſſeport, le quel devra être conforme à la formule annexée au préſent traité, et conſtatera la propriété du bâtiment : et après que le dit bâtiment aura exhibé un pareil paſſeport, il lui ſera libre de continuer ſon voïage, et il ne ſera pas permis

voyage, ſo as it ſhall not be lawful to moleſt or ſearch her in any manner, or to give her chace or force her to quit her intended courſe.

ARTICLE XXVIII.

No ſearch after goods are put on board ſhips or veſſels, unleſs in caſe of fraud.

It is alſo agreed, that all goods when once put on board the ſhips or veſſels of either of the two contracting parties, ſhall be ſubject to no farther viſitation; but all viſitation or ſearch ſhall be made beforehand, and all prohibited goods ſhall be ſtopped on the ſpot, before the ſame be put on board, unleſs there are manifeſt tokens or proofs of fraudulent practice; nor ſhall either the perſons or goods of the ſubjects of his Moſt Chriſtian Majeſty or the United States, be put under any arreſt or moleſted by any other kind of embargo for that cauſe; and only the ſubject of that ſtate to whom the ſaid goods have been or ſhall be prohibited, and who ſhall preſume to ſell or alienate ſuch ſort of goods, ſhall be duly puniſhed for the offence.

ARTICLE XXIX.

Conſuls, &c. to be allowed in the ports of each party.

The two contracting parties grant mutually the liberty of having each in the ports of the other, conſuls, vice-conſuls, agents and commiſſaries, whoſe functions ſhall be regulated by a particular agreement.

ARTICLE XXX.

Free ports.

And the more to favor and facilitate the commerce which the ſubjects of the United States may have with France, the Moſt Chriſtian King will grant them in Europe one or more free ports, where they may bring and diſpoſe of all the produce and merchandize of the thirteen United States; and his Majeſ-

de le moleſter, ni de chercher en aucune manière, de lui donner la chaſſe, ou de le forcer de quitter la courſe qu'il s'étoit propoſée.

ARTICLE XXVIII.

Il eſt convenu que lorſque les marchandiſes auront été chargées ſur les vaiſſeaux ou bâtimens de l'une des deux parties contractantes, elles ne pourront plus être aſſujeties à aucune viſite; toute viſite et recherche devant être faite avant le chargement, et les marchandiſes prohibées devant être arrêtées et ſaiſies ſur la plage avant de pouvoir être embarquées, à moins qu'on n'ait des indices manifeſtes ou des preuves de verſements frauduleux. De même aucun des ſujets de ſa Majeſté très Chrêtienne ou des Etats Unis, ni leurs marchandiſes, ne pourront être arrêtés ni moleſtés pour cette cauſe, par aucune eſpéce d'embargo; et les ſeuls ſujets de l'etat, auxquels les dits marchandiſes auront été prohibées, et qui ſe feront émancipés à vendre et aliéner de pareilles marchandiſes, ſeront duëment punis pour cette contravention.

ARTICLE XXIX.

Les deux parties contractantes ſe ſont accordé mutuellement la faculté de tenir dans leurs ports reſpectifs, des conſuls, vice-conſuls, agents et commiſſaires, dont les fonctions ſeront reglées par une convention particulière.

ARTICLE XXX.

Pour d'autant plus favoriſer et faciliter le commerce que les ſujets des Etats Unis feront avec la France, le Roi très Chrêtien leur accordera en Europe un ou pluſieurs ports Francs dans leſquels ils pourront amener et débiter toutes les denrées et marchandiſes provenant des treize Etats Unis; ſa Majeſté conſervera

ty will alſo continue to the ſubjects of the ſaid ſtates, the free ports which have been and are open in the French iſlands of America: of all which free ports the ſaid ſubjects of the United States ſhall enjoy the uſe, agreeable to the regulations which relate to them.

ARTICLE XXXI.

Ratification. The preſent treaty ſhall be ratified on both ſides, and the ratifications ſhall be exchanged in the ſpace of ſix months, or ſooner if poſſible.

In faith whereof the reſpective plenipotentiaries have ſigned the above articles, both in the French and Engliſh languages, declaring nevertheleſs, that the preſent treaty was originally compoſed and concluded in the French language, and they have thereto affixed their ſeals.

DONE at Paris, this ſixth day of February, one thouſand ſeven hundred and ſeventy-eight.

C. A. GERARD, (L. S.)
B. FRANKLIN, (L. S.)
SILAS DEANE, (L. S.)
ARTHUR LEE, (L. S.)

d'un autre côté, aux ſujets des dits Etats, les ports Francs qui ont été, et ſont ouverts dans les iſles Françoiſes de l'Amérique. De tous les quels ports Francs les dits ſujets des Etats Unis jouiront conformément aux réglemens qui en déterminent l'uſage.

ARTICLE XXXI.

Le préſent traité ſera ratifié de part et d'autre, et les ratifications ſeront échangées dans l'eſpace de ſix mois ou pluſtôt ſi faire ſe peut.

En foi de quoi les Plenipotentiaires reſpectifs ont ſigné les articles ci-deſſus, tant en langue Françoiſe qu'en langue Angloiſe, déclarant néanmoins que le préſent traité a été originairement redigé et arrêté en langue Françoiſe ; et ils y ont appoſé le cachet de leurs armes.

Fait à Paris, le ſixieme jour du mois de Fevrier, mil ſept cent ſoixante dix-huit.

C. A. GERARD, (L S.)
B. FRANKLIN, (L. S.)
SILAS DEANE, (L. S.)
ARTHUR LEE, (L. S.)

ORIGINAL.

TREATY

Of Amity and Commerce between their High Mightineſſes *the* States General *of the* United Netherlands, *and the* United States *of* America, *to wit: New-Hampſhire, Maſſachuſetts, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.*

THEIR High Mightineſſes the States General of the United Netherlands, and the United States of America; to wit: New-Hampſhire, Maſſachuſetts, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, deſiring to aſcertain in a permanent and equitable manner, the rules to be obſerved relative to the commerce and correſpondence, which they intend to eſtabliſh between their reſpective ſtates, countries and inhabitants, have judged that the ſaid end cannot be better obtained, than by eſtabliſhing the moſt perfect equality and reciprocity for the baſis of their agreement, and by avoiding all thoſe burthenſome preferences, which are uſually the ſources of debate, embarraſſment and diſcontent; by leaving alſo each party at liberty to make, reſpecting commerce and navigation, ſuch ulterior regulations as it ſhall find moſt convenient to itſelf; and by founding the advantages of commerce ſolely upon reciprocal utility, and the juſt rules

ORIGINEEL.

TRACTAAT

Van Vriendſchap en Commercie, tuſſchen Haar Hoog Mogende *de* Staten Generaal *der* Vereenigde Nederlanden, *en de* Vereenigde Statên *van* America, *te weeten, New-Hampſhire, Maſſachuſetts, Rhode-Iſland en Providence Plantations, Connecticut, New-York, New-Jerſey, Rennſylvania, Delaware, Maryland, Virginien, Noord-Carolina, Zuyd-Carolina, en Georgia.*

HAAR Hoog Mogende de Staten Generaal der Vereenigde Nederlanden en de Vereenigde Staten van America; te weeten: New-Hampſhire, Maſſachuſetts, Rhode-Iſland en Providence Plantations, Connecticut, New-York, New-Jerſey, Penſylvania, Delaware, Maryland, Virginien, Noord-Carolina, Zuyd-Carolina, en Georgien, geneegen zynde op een beſtendige en billyke wyze te bepalen de regelen, die in acht genomen moeten worden, ten opzigte van de correſpondentie en commercie, welke zy verlangen vaſt te ſtellen tuſſchen haare reſpective landen Staten, onderdanen en ingezeetenen, hebben geoordeelt, dat het gezegde eynde niet beeter kan worden bereykt, dan door te ſtellen tot een bazis van haar verdrag, de volmaekſte egaliteit en reciprociteit, en met vermyding van alle die laſtige præferentien, dewelke doorgaans de bronäders zyn van twiſt, verwarring en miſnoegen; door aan iedere party de vryheid te laaten, om weegens de commercie en navigatie, verder zulke reglementen te maken, als die voor zig zelven het gevoegelykſt zal oordeelen; en door de

of free intercourſe, reſerving withal to each party the liberty of admitting at its pleaſure other nations to a participation of the ſame advantages.

On theſe principles their ſaid High Mightineſſes the States General of the United Netherlands, have named for their plenipotentiaries, from the midſt of their aſſembly, Meſſieurs, their deputies for the foreign affairs; and the ſaid United States of America, on their part, have furniſhed with full powers, Mr. John Adams, late commiſſioner of the United States of America at the court of Verſailles, heretofore delegate in Congreſs from the ſtate of Maſſachuſetts-Bay, and chief juſtice of the ſaid ſtate, who have agreed and concluded as follows, to wit:

ARTICLE I.

Peace and friendſhip between the two nations.

There ſhall be a firm, inviolable and univerſal peace and ſincere friendſhip, between their High Mightineſſes, the Lords the States General of the United Netherlands, and the United States of America, and between the ſubjects and inhabitants of the ſaid parties, and between the countries, iſlands, cities and places, ſituate under the juriſdiction of the ſaid United Netherlands, and the ſaid United States of America, their ſubjects and inhabitants, of every degree, without exception of perſons or places.

ARTICLE II.

The ſubjects of the ſaid States General of the United Netherlands, ſhall pay in the ports,

voordeelen van commercie, eeniglyk to gronden op weederzyds nut, en de juyſte regels van vrye handel over en weer; reſerveerende by dat alles aan iedere parthy de vryheid, om, na des zelfs goedvinden andere natien te admitteeren tot het participeeren aan dezelfde voordeelen.

Op deeze grondbeginzelen hebben voorgemelde Haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, tot hunne Plenipotentiariſſen, uit het midden hunner vergadering benoemd, de Heeren Derſelver gedeputeerden tot de buytenlandſche Zaaken; En de gemelde Vereenigde Staten van America van hunne zyde, met volmagt voorſien den Heer John Adams, laatſt commiſſaris van de Vereenigde Staten van America, aan het Hof van Verſailles geweezen afgevaardigde op het Congres weegens de ſtaten van Maſſachuſetts-Baay, en opper-regter van den gemelden ſtaat, dewelke zyn overeengekomen, en geaccordeert:

ARTICLE I.

Daar zal een vaſte, onverbreekelyke en univerſeele vreede, en opregte vrienſchap zyn, tuſſchen Haar Hoog Mogende de Heeren Staten General der Vereenigde Nederlanden, en de Vereenigde Staten van America, en de onderdanen en ingezeetenen van de voornoemde parthyen, en tuſſchen de landen, eilanden, ſteeden en plaatzen, geleegen, onder de jûriſdictie van de gemelde Vereenigde Nederlanden, en de gemelde Vereenigde Staten van America, en derſelver onderdanen en ingezeetenen van allerley Staat, ſonder onder ſcheid van perſoonen en plaatzen.

ARTICLE II.

De onderdanen van de gemelde Staten Generaal der Vereenigde Nederlanden, zullen in

Subjects of United Netherlands shall have the same privileges in the United States, as the most favored nation.

havens, roads, countries, islands, cities or places, of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured, are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another, in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ARTICLE III.

Citizens of United States, shall have the same privileges in the United Netherlands as the most favored nation.

The subjects and inhabitants of the said United States of America, shall pay in the ports, havens, roads, countries, islands, cities or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations the most favoured, are or shall be obliged to pay: And they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports, from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses, the peaceable enjoyment of their rights, in the countries,

de havens, rheeden, landen, eilanden, ſteden of plaatzen van de Vereenigde Staten van America, of eenige van dezelve, geen andere of grootere regten of impoſitien van wat natuur, die ook mogen zyn, of hoedanig dezelve ook genoemt mogen werden, betaalen, dan die welke de meeſt gefavoriſeerde natien, zyn of zullen worden verpligt aldaar te betaalen. En zy zullen genieten alle de regten, vryheeden, privilegien, immuniteiten en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde Staaten na eene andere, of gaande van eenige van deeze havens na eenige vreemde haven van de wereld, of van eenige vreemde haven van de wereld, na eenige van deeze havens, welke de gemelde natien reeds genieten of zullen genieten.

ARTICLE III.

Inſgelyks zullen de onderdanen en ingezeetenen van de gemelde Vereenigde Staten van America, in de havens, rheeden, landen, eilanden, ſteeden of plaatſen van de gemelde Vereenigde Nederlanden of eenige van dezelve, geen andere of grootere regten of impoſitien, van wat natúur, die ook mogen zyn of hoedanig dezelve ook genoemt mogen worden, betalen, dan die, welke de meeſt gefavoriſeerde natien, zyn of zullen worden verpligt aldaar te betalen. En zy zullen genieten alle de regten, vryheeden, privilegien, immuniteiten, en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde Staaten na eene andere, of gaande na en van dezelve, van en na eenige vreemde haven van de wereld, welke de meeſt gefavoriſeerde natien reeds genieten, of ſullen genieten. En zullen de Vereenigde Staten van America, benevens haare onderdanen en in-

iſlands and ſeas, in the Eaſt and Weſt-Indies, without any hindrance or moleſtation.

ARTICLE IV.

Liberty of conſcience, &c. ſecured to the citizens of each party in the other's dominions.

There ſhall be an entire and perfect liberty of conſcience allowed to the ſubjects and inhabitants of each party, and to their families, and no one ſhall be moleſted in regard to his worſhip, provided he ſubmits as to the public demonſtration of it, to the laws of the country: There ſhall be given moreover, liberty, when any ſubjects or inhabitants of either party ſhall die in the territory of the other, to bury them in the uſual burying places, or in decent and convenient grounds to be appointed for that purpoſe, as occaſion ſhall require; and the dead bodies of thoſe who are buried, ſhall not in any wiſe be moleſted. And the two contracting parties ſhall provide, each one in his juriſdiction, that their reſpective ſubjects and inhabitants may henceforward obtain the requiſite certificates in caſes of deaths, in which they ſhall be intereſted.

ARTICLE V.

Both parties to protect veſſels of the other in their dominions, to reſtore them when captured, and to convoy in certain caſes.

Their High Mightineſſes, the States General of the United Netherlands, and the United States of America, ſhall endeavour, by all the means in their power, to defend and protect all veſſels and other effects, belonging to their ſubjects and inhabitants reſpectively, or to any of them, in their ports, roads, havens, internal ſeas, paſſes, rivers, and as far as their

gezeetenen, aan die van Haar Hoog Mogende laten het geruſt genot van haare regten, omtrent de landen, eilanden en zeeën, in Ooſt en Weſt-Indien, ſonder haar daar in eenig belet of hindernis te doen.

ARTICLE IV.

Er zal eene volle, volkomene en geheele vryheid van conſcientie worden toegeſtaen aan de onderdanen en ingezeetenen van iedere parthy, en aan derzelver familien, en zal niemand ter zake van den Godtſdienſt worden gemoleſteert, mits hem omtrent publique demonſtratie onderwerpende aan de wetten van het land. Daar en boven zal vryheyd worden gegeven aan de onderdanen en ingezeetenen van iedere parthye, die in des anderen's territoir overlyden, om begraven te worden in de gewoone begraafplaatzen of gevoeglyke en decente plaatzen, daar toe te bepaalen, zoo als de geleegenheid zal vereyſchen, nogte zullen de doode lighaamen van die geene, die begraven zyn eenigſints worden gemoleſteert. En zullen de beide contracteerende mogendheeden, ieder onder hun gebied, de nodige voorſieninge doen, ten eynde de reſpective onderdanen en ingezeetenen van behoorlyke bewyzen van ſterfgevallen, waar by dezelve zyn geintereſſeert voortaan zullen kunnen worden gedient.

ARTICLE V.

Haar Hoog Mogende, de Staten Generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, zullen tragten zoo veel eenigzints in haar vermogen is, te beſchermen en defendeeren alle ſcheepen en andere effecten toebehoorende aan wederzydſche onderdanen en ingezeetenen, of eenige van dezelve, zynde in haare havens of rheën, binnenlandſche

juriſdiction extends at ſea, and to recover, and cauſe to be reſtored to the true proprietors, their agents or attornies, all ſuch veſſels and effects, which ſhall be taken under their juriſdiction: And their veſſels of war and convoys, in caſes when they may have a common enemy, ſhall take under their protection all the veſſels belonging to the ſubjects and inhabitants of either party, which ſhall not be laden with contraband goods, according to the deſcription which ſhall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor deſtined for any place blocked, and which ſhall hold the ſame courſe or follow the ſame route; and they ſhall defend ſuch veſſels as long as they ſhall hold the ſame courſe or follow the ſame route, againſt all attacks, force and violence of the common enemy, in the ſame manner as they ought to protect and defend the veſſels belonging to their own reſpective ſubjects.

ARTICLE VI.

Citizens of each party may diſpoſe of eſtate by will or otherwiſe.

The ſubjects of the contracting parties may, on one ſide and on the other, in the reſpective countries and ſtates, diſpoſe of their effects, by teſtament, donation, or otherwiſe; and their heirs, ſubjects of one of the parties, and reſiding in the country of the other, or elſewhere, ſhall receive ſuch ſucceſſions, even *ab inteſtato*, whether in perſon or by their attorney or ſubſtitute, even although they ſhall not have obtained letters of naturalization, without having the effect of ſuch commiſſion conteſted, under pretext of any rights or prerogatives of any province, city, or private perſon; and if

zeeën, ſtroomen, rivieren, en zoo verre haare juriſdictie zeewaards ſtrekt, en wederom te bekomen, ente doen reſtitueeren aan de regte eigenaers, hunne agenten of gevolmagtigden, alle zodanige ſcheepen, en effecten die, onder haare juriſdictie, zullen genomen worden: en haare convoyeerende oorlog ſcheepen zullen, voor zoo verre zy eenen gemeenen vyand mogen hebben, onder haare protectie neemen alle ſcheepen toebehoorende aan elkanders onderdanen en ingezetenen, dewelke geene contrabande goederen, volgens de beſchryving, hier na daar van te doen, zullen hebben ingelaaden naar plaatzen, waar meede de eene parthy in vreede, en de andere in oorlog is, en na geen geblocqueerde plaats gedeſtineert zyn, en zullen houden dezelve cours, of gaan dezelve weg, en zullen zodanige ſcheepen defendeeren, zoo lang als zy dezelve cours houden, of deſelve weg gaan, teegens alle aanvallen, magt en geweld van den gemeenen vyand op dezelve wys als zy zouden moeten beſchermen en defendeeren de ſcheepen toebehoorende aan weederſyds eigen onderdaanen.

ARTICLE VI.

De onderdanen der contracteerende parthyen, zullen over en weeder in weederſydſche landen en ſtaten van hunne goederen by teſtamenten donatien, of anderſints mogen diſponeeren; en hunne erfgenamen, zynde onderdanen van een der parthyen in de landen van de andere, of wel elders woonagtig, zullen dezelve nalatenſchapen ontfangen, ſelfs *ab inteſtato*, het zy in perſoon, het zy by hun procureur of gemagtigde, ſchoon zy geen brieven van naturaliſatie zouden mogen hebben geobtineert, zonder dat het effect van die commiſſie, hun zal kunnen worden betwiſt, onder præ-

the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, Regulations concerning the same. established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alienate the effects fallen to the said minors by inheritance, and in general, in relation to the said successions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors and curators: Provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

ARTICLE VII.

Subjects of each party may employ such advocates, &c. as they think proper. It shall be lawful and free for the subjects of each party, to employ such advocates, attornies, notaries, solicitors, or factors, as they shall judge proper.

ARTICLE VIII.

Vessels, &c. not to be detained. Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party, to take or extort by

text van eenige regten, of voor-regten van eenige provincie, ſtad of particulier perzoon: enſoo de erfgenamen, aan welke-de erffeniſſen mogten vervallen zyn, minder jarig waren, zullen de voogden of curateurs by den domiciliairen regter der genoemde minderjarigen aangenſtelt, kunnen regeeren, beſtieren, adminiſtreeren, verkoopen en veralieneeren de goederen, welke de gemelde minderjarigen by erffeniſſen zullen zyn te beurt gevallen; en generalyk met opſigttot de voorſchreeve ſucceſſien en goederen, waarneemen alle regten en functien, die aan voogden en curateurs na diſpoſitie der wetten competeeren, behoudens nogtans dat deeze diſpoſitie geen plaats zal kunnen hebben, dan ingevalle als wanneer de teſtateur, by teſtament, codicille, of ander wettig inſtrumeut, geene voogden of curateurs ſal hebben genomineert.

ARTICLE VII.

Het zal wettig en vry zyn aan de onderdanen van iedere parthye, zodanige advocaten, procureurs, notariſſen, ſolliciteurs of factoors te employeeren, als zy zullen goedvinden.

ARTICLE VIII.

Kooplieden, ſchippers, eygenaers, bootſgezellen, lieden van alderhande ſoort, ſcheepen en vaartúigen, en alle koopmanſchappen en goederen in het generaal, en effecten van een der bondgenooten, of van derſelver onderdanen, zullen niet mogen worden in beſlag genomen of aangehouden in eenige der landen, gronden, eilanden, ſteeden, plaatſen, havens, ſtranden of dominien, hoegenaamt van den anderen bondgenoot, tot eenige militaire expeditie, publicq of privaat gebruik van iemand, door arreſt, geweld of eenigſints daar na gelykende:

force, any thing from the ſubjects of the other party, without the conſent of the owner; which, however, is not to be underſtood of ſeizures, detentions and arreſts, which ſhall be made by the command and authority of juſtice, and by the ordinary methods, on account of debts or crimes, in reſpect whereof, the proceedings muſt be by way of law, according to the forms of juſtice.

ARTICLE IX.

Privileges of citizens in tranſacting buſineſs.

It is further agreed and concluded, that it ſhall be wholly free for all merchants, commanders of ſhips, and other ſubjects and inhabitants of the contracting parties, in every place, ſubject to the juriſdiction of the two powers reſpectively, to manage themſelves, their own buſineſs; and moreover as to the uſe of interpreters or brokers, as alſo in relation to the loading or unloading of their veſſels, and every thing which has relation thereto, they ſhall be, on one ſide and on the other, conſidered and treated upon the footing of natural ſubjects, or, at leaſt, upon an equality with the moſt favoured nation.

ARTICLE X.

Merchant ſhips, if required ſhall exhibit ſea-letters, &c. if no contraband goods ſhall paſs.

The merchant ſhips, of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: they ſhall be, nevertheleſs, held, whenever it ſhall be required, to exhibit, as well upon the high-ſeas, as in the ports, their ſea-letters, and other documents, deſcribed in

veel-minder, zal het gepermitteert zyn aan de onderdanen van iedere parthy iets te neemen of door geweld te ontvreemden, van de onderdanen van de andere parthy ſonder bewilliging van die perſoon, die het toebehoord: het geen egterniet te verſtaan is van die aanhalingen, detentien, en arreſten, welke zullen worden gedaan op bevel en authoriteit van de juſtitie en volgens de ordinaire wegen, ten opzigte van ſchulden of miſdaden, waar omtrent de procedures moeten geſchieden, by wege van regten, ingevolge de form van juſtitie.

ARTICLE IX.

Verders is overeengekomen en beſlooten, dat het volkomen vry zal ſtaan aan alle kooplieden bevelhebbers van ſcheepen en andere onderdanen of ingezeetenen der beide contracteerende mogendheeden in alle plaatſen, reſpectivelyk gehoorende onder het gebied en de juriſdictie der weederzydſche mogendheeden hunne eige ſaaken, zelfs te verrigten; zullende deſelve wyders, omtrent het gebruik van tolken of makelaars, mitſgaders met opzigt tot het laaden, of ontladen hunner ſcheepen, en al het geen daar toe betrekkelyk is, over en weeder op den voet van eige onderdanen, of ten minſten in-gelykheid met de meeſt gefavoriſeerde natie geconſidereert en gehandelt worden.

ARTICLE X.

De koopvaardy ſcheepen van een ieder der parthyen, koomende ſoo wel van een vyandelyke, als eige of neutrale haven, zullen vry mogen vaaren naa eenige haven van een vyand van den anderen bondgenoot; dog verpligt zyn, ſoo dikwils het gevordert word, haare zeebrieven en verdere beſcheiden in het vyfentwintigſte articul beſchreeven, zoo wel op

the twenty-fifth article, ſtating expreſsly that their effects are not of the number of thoſe, which are prohibited, as contraband: and not having any contraband goods for an enemy's port, they may freely and without hindrance, purſue their voyage towards the port of an enemy. Nevertheleſs, it ſhall not be required to examine the papers of veſſels convoyed by veſſels of war, but credence ſhall be given to the word of the officer, who ſhall conduct the convoy.

ARTICLE XI.

Mode of proceeding when contraband goods are diſcovered.

If by exhibiting the ſea-letters, and other documents, deſcribed more particularly in the twenty-fifth article of this treaty, the other party ſhall diſcover there are any of thoſe ſorts of goods, which are declared prohibited, and contraband, and that they are conſigned for a port under the obedience of his enemy, it ſhall not be lawful to break up the hatches of ſuch ſhip, nor to open any cheſt, coffer, packs, caſks, or other veſſels found therein, or to remove the ſmalleſt parcel of her goods, whether the ſaid veſſel belongs to the ſubjects of their High Mightineſſes, the States General of the United Netherlands, or to the ſubjects or inhabitants of the ſaid United States of America, unleſs the lading be brought on ſhore, in preſence of the officers of the court of admiralty, and an inventory thereof made; but there ſhall be no allowance to ſell, exchange, or alienate the ſame, until after that due and lawful proceſs ſhall have been had againſt ſuch prohibited goods of contraband, and the court of admiralty, by a ſentence pronounced, ſhall have confiſcated the ſame, ſaving always as well the ſhip itſelf, as any other goods found

de open zee, als in de havens te exhibeeren, expreſſelyk aantonende, dat haare goederen niet zyn van het getal dier geene, dewelke als contrabande verbooden zyn, en geene contrabande goederen voor een vyandelyke haven gelaaden hebbende, na de haven van een vyand, haare reize vryelyk en onverhindert mogen vervolgen; dog ſal geen viſitatie van papieren gevergt worden van ſcheepen, onder convoy der oorlog ſcheepen, maar geloof worden gegeeven aan het woord van den officier, het convoy leidende.

ARTICLE XI.

Indien by het vertoonen der zee-brieven en andere beſcheiden by het vyf-entwintigſte articul van dit tractaat nader beſchreeven, de andere parthy ontdekt, dat er eenige van die ſoort van goederen zyn, dewelke verbooden en contrabande gedeclareert zyn, en geconſigneert naar een haven onder de gehoorſaemheid van den vyand, zal het niet geoorloft zyn de luyken van zodanig ſchip op te breeken, of eenige kiſt, koffers, pakken, kaſſen of ander vaat-werk, daar in gevonden wordende te openen of het geringſte gedeelte van haare goederen te verplaatſen, het ſy ſodanige ſcheepen toebehooren aan de onderdanen van Haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, of aan onderdanen en ingezeetenen van de gemelde Vereenigde Staaten van America, ten zy de lading aan land gebragt worde in preſentie van de officieren van het admiraliteits hoff, en een inventaris van deſelve gemaakt, dog ſal niet worden toegelaten, om deſelve op eenigerhande wyſe te verkoopen, verruilen of veralieneeden, dan, na dat behoorlyke en wettige procedures tegens zodanige verbodene contrabande goede-

therein, which are to be eſteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much leſs ſhall they be confiſcated as lawful prize: but on the contrary, when by the viſitation at land, it ſhall be found that there are no contraband goods in the veſſel, and it ſhall not appear by the papers that he who has taken and carried in the veſſel has been able to diſcover any there, he ought to be condemned in all the charges, damages and intereſts of them, which he ſhall have cauſed, both to the owners of veſſels, and to the owners and freighters of cargoes with which they ſhall be loaded, by his temerity in taking and carrying them in; declaring moſt expreſsly the free veſſels ſhall aſſure the liberty of the effects with which they ſhall be loaded, and that this liberty ſhall extend itſelf equally to the perſons who ſhall be found in a free veſſel, who may not be taken out of her, unleſs they are military men actually in the ſervice of an enemy.

ARTICLE XII.

Goods found in an enemy's ſhip liable to be confiſcated, unleſs put on board before declaration

On the contrary, it is agreed, that whatever ſhall be found to be laden by the ſubjects and inhabitants of either party, on any ſhip belonging to the enemies of the other, or to their ſubjects, although it be not comprehended under the ſort of prohibited goods, the whole may be confiſcated in the ſame manner as if it be-

ren zullen zyn gehouden, en het admiraliteits hof by een gepronuntieerde ſententie dezelve zal hebben geconfiſqueert, daar van altoos vrylatende, zoo wel het ſchip zelve, als eenige andere goederen, daarin gevonden wordende, welke voor vry werden gehouden, nogte mogen dezelve worden opgehouden, onder voorgeeven, dat die, als't ware door de geprohibeerde goederen, zouden zyn geinfecteert, veel min zullen deſelve, als wettige prys worden geconfiſqueert: Maar in tegendeel, wanneer by de viſitatie aan land word bevonden, dat er geen contrabande waaren in de ſcheepen zyn, en uyt de papieren niet bleek, dat de neemer en opbrenger, het daar uyt niet had konnen ontdekken, zal deſelve moeten worden gecondemneert in alle de koſten en ſchaden, die hy zoo aan de eigenaaren der ſcheepen, als aan de eigenaars en inlaaders der goederen, waar meede de ſcheepen belaaden zullen zyn, door zyne rukelooze aanhouding en opbrenging der ſcheepen zal hebben veroorſaakt met de intereſſen van dien; wordende wel expreſſelyk verklaart, dat een vry ſchip, zal vry maaken de waaren daar ingelaaden, en dat die vryheid zig ook zal uitſtrekken over de perſoonen, die haar zullen bevinden in een vry ſchip, dewelke daar uyt niet geligt zullen mogen worden, ten zy het waren oorlogſluiden in effectiven dienſt van den vyand.

ARTICLE XII.

In tegendeel is overeengekomen, dat al het geen bevonden zal worden gelaaden te zyn door de onderdanen en ingezeetenen van een der beide parthyen, in eenig ſchip de vyanden van den anderen, of aan deſzelfs onderdanen toebehoorende, geheel, of ſchoon niet zynde van de ſoort van verbodene goederen,

of war or within six months after.

longed to the enemy; except nevertheless such effects and merchandizes as were put on board such vessel before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: Provided nevertheless, that if the said merchandizes are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies.

ARTICLE XIII.

Vessels of war or privateers to do no injury to either party, if they do, to be punished and make reparation.

And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers of the other party, it shall be forbidden to all commanders of vessels of war and other armed vessels of the said States General of the United Netherlands, and the said United States of America, as well as to all their officers, subjects and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by repara-

mag worden geconfiſqueert, op dezelve wyſ als of het den vyand toequam, uitgeſondert zodanige goederen en koopmanſchappen, als aan boord van zodanig ſchip gedaan waren voor de oorlogs-declaratie, of binnen ſes maanden na deſelve, welke goederen in geenendeele confiſcatie zullen onderhevig zyn, maar wel en getrouwelyk ſonder uytſtel aan de eigenaers, die deſelve voor de confiſcatie en verkoop zullen te rug vragen of doen vragen, in natura zullen worden gereſtitueert, gelyk meede het provenu daar van, indien de reclame binnen agt maanden na de verkoping, dewelke publicq zal moeten worden gedaen, eerſt konde geſchieden, dog zoo, dat, indien de gemelde koopmanſchappen, contrabande zyn, het geenzints geoorloft zal zyn deſelve naderhand te vervoeren na eenige havens, de vyanden toebehoorende.

ARTICLE XIII.

En ten einde de beſt mogelyke zorg mag worden gedragen voor de ſecuriteit van de onderdanen en het volk van een der beide parthyen, dat dezelve geen overlaſt komen te lyden van weegens de oorlog-ſcheepen of kapers van de andere parthy, zullen alle de bevelhebbers van oorlog-ſcheepen en gewapende vaartuigen van de voorſchreeve Staten Generaal der Vereenigde Nederlanden, en van de gemelde Vereenigde Staten van America, mits gaders alle derſelver officieren onderdanen en volk, verbooden worden eenige beleediging of ſchade aan die van de andere zyde toe-te-brengen, en zoo zy dien contrarie handelen, zullen zy op de eerſte klagten, daar over te doen, na behoorlyk onderſoek ſchuldig bevonden wordende, door haar eige regters geſtraft worden, endaar en boven verpligt

tion, under pain and obligation of their perſons and goods.

ARTICLE XIV.

Captains of privateers, &c. to give ſufficient caution, to be reſponſible for their malverſations.

For further determining of what has been ſaid, all captains of privateers, or fitters-out of veſſels armed for war, under commiſſion and on account of private perſons, ſhall be held, before their departure, to give ſufficient caution, before competent judges, either to be entirely reſponſible for the malverſations which they may commit in their cruizes or voyages, as well as for the contraventions of their captains and officers againſt the preſent treaty, and againſt the ordinances and edicts which ſhall be publiſhed in conſequence of and conformity to it, under pain of forfeiture and nullity of the ſaid commiſſions.

ARTICLE XV.

Goods reſcued from pirates to be reſtored.

All veſſels and merchandizes of whatſoever nature, which ſhall be reſcued out of the hands of any pirates or robbers, navigating the high ſeas without requiſite commiſſions, ſhall be brought into ſome port of one of the two ſtates, and depoſited in the hands of the officers of that port in order to be reſtored entire to the true proprietor, as ſoon as due and ſufficient proofs ſhall be made concerning the property thereof.

ARTICLE XVI.

If any ſhips or veſſels, belonging to either of the parties, their ſubjects or people, ſhall, within the coaſts or dominions of the other,

worden ſatisfactie te geeven voor alle ſchade, en den intereſt daar van, door vergoeding onder pœne en verbintenis van hunne perſonen en goederen.

ARTICLE XIV.

Tot meerder verklaring van het geen voorſchreeve is, zullen alle kaper capiteinen of rheeders van ſcheepen op particuliere beſtelling en commiſſie ten oorlog-uitgeruſt, voor dezelve gehouden zyn, voor derſelver vertrek, goede en ſuffiſante cautie te ſtellen voor de competente regters, of in het geheel te verantwoorden de malverſatien, die-ze in haare courſſen, of op haare reizen zouden mogen-begaan, en voor de contraventien van haare capiteinen en officieren, tegen het tegenwoordig tractaat ende ordonnantien, en edicten, die gepubliceert zullen worden, in kragte, en conform de diſpoſitie van dien, op pœne van verval, en nulliteit der voorſchreve commiſſien.

ARTICLE XV.

Alle ſcheepen en koopmanſchappen, van wat natuur dezelve ook zyn, die hernomen zullen worden uyt handen van piratten en zeerovers, ſonder behoorlyke commiſſie op de open zee varende, zullen gebragt worden in eenige haven van eene der beide ſtaten, en zullen aan de bewaring der officieren van die haven worden overgeleevert, ten einde geheel, gereſtitueert te worden aan den regten eigenaar, zoodra als behoorlyk en genoegſaam bewys, wegens den eigendom der zelve, zal gedaan zyn.

ARTICLE XVI.

Indien eenige ſcheepen of vaartuigen toebehooreende aan een van beyde de parthyen, hunne onderdanen of ingezeetenen, op de ku-

ſtick upon the ſands, or be wrecked or ſuffer any other ſea-damage, all friendly aſſiſtance and relief ſhall be given to the perſons ſhipwrecked, or ſuch as ſhall be in danger thereof; and the veſſels, effects and merchandizes, or the part of them which ſhall have been ſaved, or the proceeds of them, if, being periſhable, they ſhall have been ſold, being claimed within a year and a day by the maſters or owners, or their agents or attornies, ſhall be reſtored, paying only the reaſonable charges, and that which muſt be paid, in the ſame caſe, for the ſalvage, by the proper ſubjects of the country: there ſhall alſo be delivered them, ſafe conducts or paſſports, for their free and ſafe paſſage from thence, and to return, each one to his own country.

In caſe of ſhipwreck, relief ſhall be afforded and goods reſtored.

ARTICLE XVII.

In caſe the ſubjects or people of either party, with their ſhipping, whether public and of war, or private and of merchants, be forced through ſtreſs of weather, purſuit of pirates or enemies, or any other urgent neceſſity for ſeeking of ſhelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads or ſhores, belonging to the other party, they ſhall be received with all humanity and kindneſs, and enjoy all friendly protection and help, and they ſhall be permitted to refreſh and provide themſelves, at reaſonable rates, with victuals, and all things needful for the ſuſtenance of their perſons, or reparation of their ſhips; and they ſhall no ways be detained or hindered from returning out of the ſaid ports or roads, but may remove and de-

When veſſels by ſtreſs of weather, &c. ſhall be forced into ports, &c. they ſhall be protected and permitted to depart.

ſten of dominien van den anderen zullen komen te ſtranden, vergaan, of eenige andere zee-ſchade te lyden, zal alle vriendelyke aſſiſtentie en hulp worden gegeeven aan de perſoonen ſchipbreuk geleeden hebbende, of die zig in gevaar daar van zullen bevinden; en de ſcheepen, goederen en koopmanſchappen, en het geen daarvan ge-borgen zal zyn, of het provenu van dien, by aldien die goederen verderffelyk zynde, zullen weezen verkogt, alle door de ſchippers of door de eigenaars, of van haare gelaſte, of volmagt hebbende, binnen jaar en dag gereclameert wordende, worden gereſtitueert; mits betaelende alleen de reedelyke onkoſten, en het geen voor bergloon door de eyge onderdanen, in het zelve geval, betaalt moet worden; zullende inſgelyks brieven van vrygeley aan hun worden gegeeven, voor hunne vrye en geruſte paſſage van daar, en retour van een ieder na ſyn eigen land.

ARTICLE XVII.

Ingevalle de onderdanen of ingezeetenen van een der beide parthyen, met hunne ſcheepen, het zy publique en ten oorlog varende, of byſondere en ter koopvaardy uitgeruſt, door onſtuimig weer, najaaging van zeerovers of vyanden, of eenige andere dringende nood, gedwongen zullen worden, terbekoming van een ſchuilplaats en haaven, zig te retireeren en binnen te loopen in eenige der rivieren, creekuen, baayen, havens, rheeden of ſtranden, toebehoorende aan de andere parthye, zullen dezelve met alle menſchlievendheid en goedwilligheid werden ontfangen, en alle vriendelyke protectie en hulp genieten en zal hun worden toegeſtaan zig te ververſchen, en proviandeeren, teegens reedelyke pryſen met victuaille, en alle dingen benoodigt tot onder-

part when and whither they pleaſe without any let or hindrance.

ARTICLE XVIII.

In caſe of war, nine months allowed to citizens reſiding in the other's dominion to ſell and tranſport their effects.

For the better promoting of commerce, on both ſides it is agreed, that if a war ſhould break out, between their High Mightineſſes the States General of the United Netherlands, and the United States of America, there ſhall always be granted to the ſubjects on each ſide, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and tranſport them where they pleaſe, which it ſhall be lawful for them to do, as well as to ſell or tranſport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the ſaid term of nine months, to any arreſt of their effects, much leſs of their perſons; on the contrary, there ſhall be given them, for their veſſels and their effects, which they would carry away, paſſports and ſafe conducts for the neareſt ports of their reſpective countries, and for the time neceſſary for the voyage. And no prize made at ſea, ſhall be adjudged lawful, at leaſt, if the declaration of war was not or could not be known, in the laſt port, which the veſſel taken, has quitted, but for whatever may have been taken from the ſubjects and inhabitants of either party, and for the offences which may have been given them, in the in-

houd van haare perſoonen of reparatie van hunne ſcheepen, en zy zullen op geenerley wys worden opgehouden, of verhindert uit de gemelde havens of rheeden te vertrekken, maar mogen verzylen en gaan wanneer en waar het hun behaagt, zonder eenig belet of verhindering.

ARTICLE XVIII.

Tot des te beeter voortzetting der weederſydſche commercie, is over eengekomen, dat indien een oorlog mogt komen te ontſtaan, tuſſchen haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, en de Vereenigde Staten van America, altyd aan de onderdanen van de een of andere zyde zal worden gegeeven den tyd van neegen maanden, na dato van de rupture of proclamatie van oorlog, om haar te mogen retireeren met haare effecten, endezelve te vervoeren, waar het haar believen zal, het welk haar geoorloft zal zyn te mogen doen; als meede te mogen verkoopen of tranſporteeren haare goederen en meubilien in alle vryheid; ſonder dat men haar daarin eenig belet zal-doen; ook zonder geduurende de tyd van de voorſchreeve neegen maanden te mogen procedeeren tot eenig arreſt van haare perſoonen, maar zullen inteegendeel voor haare ſcheepen, en effecten, die zy zullen willen meedevoeren worden gegeeven paſporten van vry geleide tot de naeſte havenen in elkanders Landen voor den tyd, tot de reizen nodig. Ook zullen geen pryſen op zee genomen voor wettig genomen gehouden mogen worden, ten minſten indien de oorlogs-declaratie, niet bekent was geweeſt of had kunnen zyn in de haven, die het geenoome ſchip het laaſt heeft verlaten, maar zal voor al, het geen aan de onderdanenen ingezetenenen

terval of the ſaid terms, a complete ſatisfaction ſhall be given them.

ARTICLE XIX.

Citizens of neither party ſhall take commiſſions or letters of marque from a prince or ſtate with whom the other is at war.

No ſubject of their High Mightineſſes the States General of the United Netherlands, ſhall apply for or take any commiſſion or letters of marque, for arming any ſhip or ſhips to act as privateers againſt the ſaid United States of America, or any of them, or the ſubjects and inhabitants of the ſaid United States or any of them, or againſt the property of the inhabitants of any of them, from any prince or ſtate with which the ſaid United States of America may happen to be at war; nor ſhall any ſubject or inhabitant of the ſaid United States of America, or any of them, apply for or take any commiſſion or letters of marque for arming any ſhip or ſhips to act as privateers againſt the High and Mighty Lords the States General of the United Netherlands, or againſt the ſubjects of their High Mightineſſes, or any of them, or againſt the property of any one of them, from any prince or ſtate with which their High Mightineſſes may be at war: And if any perſon of either nation ſhall take ſuch commiſſion or letters of marque, he ſhall be puniſhed as a pirate.

ARTICLE XX.

If the veſſels of the ſubjects or inhabitants of one of the parties come upon any coaſt belonging to either of the ſaid allies, but not

van weederfyd en binnen de voorſchreeve termynen, ontnomen mogt zyn, en de beleedigingen, die hun aangedaan zouden mogen zyn, volkoomen ſatisfactie gegeeven worden.

ARTICLE XIX.

Geen onderdaan van haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, zullen mogen verſoeken of aanneemen eenige commiſſien, of lettres de marque tot het wapenen van eenig ſchip, of ſcheepen, ten einde als kapers te ageeren teegens de gemelde Vereenigde Staten van America of eenige der zelve, of teegens de onderdanen of ingezeetenen der gemelde Vereenigde Staten, of eenige der zelve, van eenige prins of ſtaat, met wien de voorſchreeve Vereenigde Staten van America in oorlog mogten zyn; nochte zal eenige onderdaen of ingezeeten van demelde Vereenigde ſtaten van America, of eenige derſelve, eenige commiſſie off lettres de marque verſoeken of aanneemen, tot het wapenen van eenig ſchip of ſcheepen, om ter kaap te vaaren teegens de Hoog Mogende Heeren Staten Generaal der Vereenigde Nederlanden, of tegens de onderdanen of ingezeetenen van gemelde Haar Hoog Mogende, of eenige van deſelve, of den eigendom van eenige derzelve, van eenige Prins of Staat, met wien haar Hoog Mogende in oorlog zullen zyn; en indien eenig perſoon van een van beide natien zodanige commiſſie of lettres de marque zal aanneemen zal deſelve als een zeeroyer worden geſtraft.

ARTICLE XX.

De ſcheepen der onderdanen of ingezeetenen van een van beide de partyen, komende aan eenige kuſt, toebehoorende aan de een of

Veſſels coming on the coaſt or entering the ports of either party, how to be treated.

willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they ſhall not be obliged to pay, neither for their veſſels nor the cargoes, any duties of entry in or out, or to render any account of their cargoes at leaſt if there is not juſt cauſe to preſume that they carry to an enemy merchandizes of contraband.

ARTICLE XXI.

Conſuls, &c. to be allowed in the ports of each nation.

The two contracting parties grant to each other mutually, the liberty of having each in the ports of the other, conſuls, vice-conſuls, agents and commiſſaries of their own appointing, whoſe functions ſhall be regulated by particular agreement, whenever either party ſhall think fit to make ſuch appointments.

ARTICLE XXII.

This treaty not to derogate from treaty with France.

This treaty ſhall not be underſtood in any manner to derogate from the ninth, tenth, nineteenth and twenty-fourth articles of the treaty with France, as they were numbered in the ſame treaty, concluded the ſixth of February 1778, and which make the articles ninth, tenth, ſeventeeth and twenty-ſecond of the treaty of commerce now ſubſiſting between the United States of America, and the crown of France: nor ſhall it hinder his Catholic Majeſty from acceding to that treaty, and enjoying the advantages of the ſaid four articles.

ARTICLE XXIII.

If at any time the United States of America ſhall judge neceſſary to commence negociations

andere der gemelde bondgenooten, doch niet voorneemens zynde in een haven binnen te loopen, of binnen geloopen zynde, en niet begeerende hunne ladingen te loſſen, of laſt te breeken, of by te laden, zullen niet gehouden zyn voor haare ſcheepen of laadingen eenige inkomende, of uitgaende regten te betalen nog eenige reekenſchap van haare ladingen te geeven, ten minſten indien er geen wettig vermoeden is, dat zy aan een vyand toevoeren koopmanſchappen van contrabande.

ARTICLE XXI.

De twee contracteerende parthyen verguntten over en weeder aan elkanderen de vryheid, om ieder in de havens van den anderen, consuls, vice-conſuls, agenten en commiſſariſſen van hunne eigen aanſtelling te hebben, welkers rechten gereguleert zullen worden by particuliere overeenkomſt, wanneer ooit eene der beide parthyen goedvind zodanige aanſtelling te doen.

ARTICLE XXII.

Dit tractaat zal in geenerhande opſigten verſtaan worden te derogeeren aan de 9, 10, 19 en 24 articulen, van het tractaat met Vrankryk. ſoo als die genummert zyn geweeſt in het zelve tractaat den 6 February, 1778, geſlooten, zynde de 9, 10, 17 en 22 articulen van het tractaat van commercie, ſoo als het nu in kragt is, tuſſchen de Vereenigde Staten van America en de kroon van Vrankryk: en zal meede niet beletten, dat ſyne Catholicque Majeſteit aan t'ſelve zoude accedeeren, en van het beneficie der gemelde vier articulen jouiſſeeren.

ARTICLE XXIII.

By aldien de Vereenigde Staten van America, t'eeniger tyd nodig mogten vinden, om

with the King or Emperor of Morocco and Fez, and with the Regencies of Algiers, Tunis or Tripoli, or with any of them, to obtain paſſports for the ſecurity of their navigation in the Mediterranean ſea, their High Mightineſſes promiſe that upon the requiſition which the United States of America ſhall make of it, they will ſecond ſuch negociations in the moſt favourable manner, by means of their conſuls, reſiding near the ſaid King, Emperor and Regencies.

United Netherlands to aid the U. States in forming treaties with the Barbary powers.

ARTICLE XXIV.

What goods ſhall be deemed contraband.

The liberty of navigation and commerce ſhall extend to all ſorts of merchandizes, excepting only thoſe which are diſtinguiſhed under the name of contraband, or merchandizes prohibited: and under this denomination of contraband and merchandizes prohibited, ſhall be comprehended only war-like ſtores and arms, as mortars, artillery, with their artifices and appurtenances, fuſils, piſtols, bombs, grenades, gun-powder, ſaltpetre, ſulphur, match, bullets and balls, pikes, ſabres, lances, halberts, caſques, cuiraſſes, and other ſorts of arms; as alſo ſoldiers, horſes, ſaddles, and furniture for horſes; all other effects and merchandizes, not before ſpecified expreſsly, and even all ſorts of naval matters, however proper they may be for the conſtruction and equipment of veſſels of war, or for the manufacture of one or another ſort of machines of war by land or ſea, ſhall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband. So that all effects and merchandizes, which are

by den koning of keizer van Marocco of Fez, mitsgaders by de regeeringen van Algiers, Tunis of Tripoli, of by eenige van dezelve, negotiatien te entameeren tot het verkrygen van pasporten, ter beveiliging van hunne navigatie op de Middelandsche zee, zoo beloven haar Hoog Mogende op het aanzoek van Hoogstgedagte Vereenigde Staten, die negotiatien door middel van hunne by den voorschreeve koning of keizer en regeeringen, resideerende consuls op de favorabelste wyze te zullen secondeeren.

ARTICLE XXIV.

De vryheid van navigatie en commercie zal zig uit strekken tot alle soorten van koopmanschappen, uitgesondert alleen deeze, welke onderscheiden zyn onder den naam van contrabande of verbodene goederen: en onder deeze benoeming van contrabande of verbodene goederen, zullen alleen begreepen zyn de oorlogs ammunitien, of wapenen, als mortieren, geschut met zyne vuurwerken, en het geen daar toebehoort; geweeren, pistoolen, bomben, granaden, buspulver, salpeeter, zwavel, lonten, koogels, pieken, zwaarden, lancien, helbaarden, casquetten, cuiraffen, en diergelyk soort van wapentuig, ook soldaten, paarden, zadels, en toerusting van paarden. Alle andere goederen en koopmanschappen, hier boven niet uitdrukkelyk gespecificeert, jaa selfs alle soorten van scheepsmaterialen, hoe zeer dezelve ook zouden mogen zyn geschikt, tot het bouwen of equipeeren van oorlogscheepne, of tot het maken van het een of ander oorlogstuig, te water of te lande, zullen mits dien nog volgens den letter, nog volgens eenige voor te wende interpretatie van dezelve, hoe ook genaamt onder verboodene of

not expreſsly before named, may, without any exception, and in perfect liberty, be tranſported by the ſubjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the ſame time ſhall be beſieged, blocked or inveſted; and thoſe places only ſhall be held for ſuch, which are ſurrounded nearly by ſome of the belligerent powers.

ARTICLE XXV.

Regulations reſpecting paſſports.

To the end that all diſſention and quarrel may be avoided and prevented, it has been agreed, that in caſe that one of the two parties happens to be at war, the veſſels belonging to the ſubjects or inhabitants of the other ally, ſhall be provided with ſea-letters or paſſports, expreſſing the name, the property and the burthen of the veſſel, as alſo the name and the place of abode of the maſter, or commander of the ſaid veſſel, to the end, that thereby it may appear, that the veſſel really and truly belongs to ſubjects or inhabitants of one of the parties; which paſſports ſhall be drawn and diſtributed, according to the form annexed to this treaty, each time that the veſſel ſhall return, ſhe ſhould have ſuch her paſſport renewed, or at leaſt, they ought not to be of more ancient date than two years, before the veſſel has been returned to her own country.

contrabande goederen, begreepen kunnen of mogen worden: zoo dat alle dezelve goederen, waaren en koopmanſchappen, hier boven niet uit drukkelyk genoemt, ſonder eenig onderſcheid zullen mogen worden getranſporteert en vervoert in alle vryheid, door de onderdanen en ingezeetenen van beide bondgenooten, van en na plaatſen, aan den vyand toebehoorende, zodanige ſteeden of plaatſen alleen uitgeſondert, welke op die tyt beleegert, geblocqueert of geinveſteert zyn, waar voor alleenlyk worden gehouden de zulke, die door een der oorlogvoerende mogendheeden van na by ingeſlooten worden gehouden.

ARTICLE XXV.

Ten einde alle diſſentie en twiſt mag werden vermyd en voorgekomen, is over een gekomen, dat ingeval een van beide de parthyen in oorlog mogt komen te geraken, de ſcheepen en vaartuigen, toebehoorende aan de onderdanen of ingezeetenen van de andere geallieerde, met zee-brieven of paſporten, moeten werden voorſten, expreſſeerende den naam, eigendom en de groote van het ſchip of vaartuig, als meede den naam, plaats, of woninge van den ſchipper of bevelhebber van het gemelde ſchip of vaartuig, ten einde daar by mag blyken, dat het ſchip reëel en in waarheid aan de onderdanen of ingezeetenen van eene der parthyen toebehoord, welk paſport zal worden opgemaakt en uitgegeeven, volgens het formulier, agter dit tractaat gevoegt. Deſelve zullen ieder reize, dat het ſchip thuys is geweeſt op nieuw verleent moeten zyn, of ten minſten niet ouder mogen zyn, als twee jaar, voorde tyd, dat het ſchip laaſt is thuys geweeſt.

It has been alſo agreed, that ſuch veſſels, being loaded, ought to be provided not only with the ſaid paſſports or ſea-letters, but alſo with a general paſſport, or with particular paſſports or manifeſts, or other public documents, which are ordinarily given to veſſels outward bound in the ports from whence the veſſels have ſet ſail in the laſt place, containing a ſpecification of the cargo, of the place from whence the veſſel departed, and of that of her deſtination; or, inſtead of all theſe, with certificates from the magiſtrates or governors of cities, places and colonies, from whence the veſſel came, given in the uſual form, to the end that it may be known, whether there are any effects prohibited or contraband, on board the veſſels, and whether they are deſtined to be carried to an enemy's country or not; and in caſe any one judges proper to expreſs in the ſaid documents, the perſons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omiſſion of ſuch expreſſion cannot and ought not to cauſe a confiſcation.

ARTICLE XXVI.

How ſhips and veſſels are to be treated, when met by ſhips of war or privateers.

If the veſſels of the ſaid ſubjects or inhabitants of either of the parties, ſailing along the coaſts or on the high ſeas, are met by a veſſel of war, or privateer, or other armed veſſel of the other party, the ſaid veſſels of war, privateers, or armed veſſels, for avoiding all diſorder, ſhall remain without the reach of cannon, but may ſend their boats on board the merchant veſſel, which they ſhall meet in this manner, upon which they may not paſs more

Het is inſgelyks vaſtgeſtelt, dat zodanige ſcheepen of vaartuigen gelaaden zynde, moeten weezen voorſien, niet alleen met paſporten of zeebrieven bovengemeld; maar ook met een generaal paſport of particuliere paſporten, of manifeſten, of andere publicque documenten, die in de havenen, van waar de ſcheepen laaſt gekomen zyn, gewoonlyk gegeeven worden aan de uitgaende ſcheepen, inhoudende een ſpecificatie van de lading de plaats van waar het ſchip gezeild is, en waar heenen het gedeſtineert is, of by gebreeke van alle deſelve met certificaten van de magiſtraten of gouverneurs der ſteeden, plaatſen en colonien, van waar het ſchip vertrokken is, in de gewoonde form gegeeven, op dat geweeten kan worden, of eenige verboode of contrabande goederen, aan boord van de ſcheepen zyn, en of zy daar meede na's vyands landen gedeſtineert zyn, of niet. En by aldien iemand goetdunkt of raadzaem vind, om in de gemelde beſcheiden uit te drukken de perſoonen, aan wien de aan boord zynde goederen toekomen, vermag hy zulks vryelyk te doen, ſonder egter daar toe gehouden te zyn, of dat gebrek van die uitdrukking geleegenheid tot confiſcatie kan of mag geeven.

ARTICLE XXVI.

Indien de ſcheepen of vaartuigen van de gemelde onderdanen of ingezeetenen van een van beide de parthyen, zeilende langs de kuſten off in de open zee, ontmoet zullen worden door eenig ſchip van oorlog, kaper, of gewapend vaartuig van de andere parthy, zullen de gemelde orlog-ſcheepen, kapers of gewapende vaartuigen tot vermiding van alle diſordre, buiten bereik van het geſchut blyven, doch hunne booten mogen zenden aan boord

than two or three men, to whom the maſter or commander ſhall exhibit his paſſport, containing the property of the veſſel, according to the form annexed to this treaty: And the veſſel, after having exhibited ſuch a paſſport, ſea-letter and other documents, ſhall be free to continue her voyage, ſo that it ſhall not be lawful to moleſt her, or ſearch her in any manner, nor to give her chace nor to force her to alter her courſe.

ARTICLE XXVII.

Lawful for merchants and commanders of veſſels to take into their ſervice ſeamen and others belonging to either nation.

It ſhall be lawful for merchants, captains and commanders of veſſels, whether public and of war, or private and of merchants, belonging to the ſaid United States of America, or any of them, or to their ſubjects and inhabitants, to take freely into their ſervice, and receive on board of their veſſels, in any port or place in the juriſdiction of their High Mightineſſes aforeſaid, ſeamen or others, natives or inhabitants of any of the ſaid ſtates, upon ſuch conditions as they ſhall agree on, without being ſubject for this, to any fine, penalty, puniſhment, proceſs or reprehenſion whatſoever.

And reciprocally, all merchants, captains and commanders, belonging to the ſaid United Netherlands, ſhall enjoy, in all the ports and

van het koopvaardy ſchip, welke zy op die wys zullen ontmoeten, en op het zelve mogen overgaan ten getalle alleen van twee a drie man, aan wien de ſchipper of bevelhebber van zodanig ſchip of vaartuig zyn paſport zal vertoonen, inhoudende den eigendom van het ſchip of vaartuig ingevolge het formulier, agter dit tractaat gevoegt, en zal het ſchip of vaartuig na de vertoonig van duſdanig paſport, zee-brief en verdere beſcheiden vry en liber zyn, om deſzelfs reis te vervolgen, zoo dat niet geoorloft zal zyn het zelve op eenigerhande wyze te moleſteeren of doorzoeken, nog jagt op haar te maken, of het ſelve te forceeren, haare voorgenomen cours te verlaten.

ARTICLE XXVII.

Het zal geoorloft zyn aan kooplieden, capiteins, en bevelhebbers van ſcheepen, het zy publicque en ten oorlog, of particuliere en ter koopvardy vaarende, toebehoorende aan de gemelde Vereenigde Staten van America, of eenige van dezelve, of aan de onderdanen en ingezeetenen van eenige derzelve, vryelyk in hunne dienſt aan te neemen, en aan boord van haare gemelde ſcheepen te ontfangen, in iedere der havens of plaatſen onder de juriſdictie van voornoemde Haar Hoog Mogende, eenige bootſgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der gemelde Staten, op zulke voorwaarden, als zal werden overeen gekomen, zonder daar voor aan eenige boete, pœne, ſtraffe, proces of beriſping hoegenaamt onderheevig te zyn.

En zullen reciproquelyk alle kooplieden, capiteinen en bevelhebbere van ſcheepen, behoorrende tot de voorſchreeven Vereenigde

places under the obedience of the ſaid United States of America, the ſame privilege of engaging and receiving ſeamen or others, natives or inhabitants of any country of the denomination of the ſaid States General: Provided, that neither on one ſide nor the other, they may not take into their ſervice ſuch of their countrymen who have already engaged in the ſervice of the other party contracting, whether in war or trade, and whether they meet them by land or ſea; at leaſt if the captains or maſters under the command of whom ſuch perſons may be found, will not of his own conſent diſcharge them from their ſervice; upon pain of being otherwiſe treated and puniſhed as deſerters.

ARTICLE XXVIII.

The affair of the refraction ſhall be regulated in all equity and juſtice, by the magiſtrates of cities reſpectively, where it ſhall be judged that there is any room to complain in this reſpect.

ARTICLE XXIX.

Ratification. The preſent treaty ſhall be ratified and approved by their High Mightineſſes the States General of the United Netherlands, and by the United States of America; and the acts of ratification ſhall be delivered, in good and due form, on one ſide and on the other, in the

Nederlanden, in alle de havens en plaatſen, onder het gebied van de gemelde Vereenigde Staten van America, het zelve voorregt genieten tot aanneeming en ontfangen van bootſgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der domeinen van de gemelde Staten Generaal, met dien verſtande, dat men nog aan de eene nog aan de andere zyde zig zal mogen bedienen van zodanige zyner landſgenooten, die zig reeds in dienſt van de andere contracteerende parthye, het zy ten oorlog het zy op koopvaardy ſcheepen, heeft geëngageert, het zy men deſelve aan de vaſte wal, dan wel in zee zoude mogen ontmoeten, ten minſten indien de capiteinen of ſchippers, onder wiens bevel zodanige perſoonen zig mogten bevinden, deſelve niet vrywillig uit hunnen dienſt wilde ontſlaan, oppœne dat dezelve anderſints op den voet van weglopers zullen worden behandelt, en geſtraft.

ARTICLE XXVIII.

De toeleg voor refractie zal in alle redelykheid en billyheid worden gereguleert by de magiſtraten der reſpective ſteeden, alwaar men oordeelt, dat eenige bezwaaren deſweegens plaets hebben.

ARTICLE XXIX.

Het tegenwoordig tractaat werden geratificeert en geapprobeert by Hoogſtgemelde Staten Generaal der Vereenigde Nederlanden, en Hoog gemelde Vereenigde Staten van America, en zullen de acten van ratificatien van de eene en de anderezyde in goede en de behoorlyke forme worden overgeleeverd binnen den tyd van zes maanden, ofte eerder zo het

ſpace of ſix months, or ſooner if poſſible, to be computed from the day of the ſignature.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Miniſter Plenipotentiary of the United States of America, in virtue of our reſpective authorities and full powers, have ſigned the preſent treaty, and oppoſed thereto the ſeals of our arms.

Done at the Hague the eighth of October, one thouſand ſeven hundred and eighty-two.

(L. S.) *John Adams.*

zelve kan geſchieden, te reekenen van den dag van de onderteekening.

Ten oirkonde deezes, hebben wy Gedeputeerden, en Plenipotentiariſſen van de Heeren Staten Generaal der Vereenigde Nederlanden, en Miniſter Plenipotentiaris der Vereenigde Staten van America, uitkragte van onze reſpective authoriſatie en plein pouvoir, deeze onderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage den agtſten October, een duyſent ſeeven hondert twee en tagtig.

(L. S.) *George Van Randwyck.*
(L. S.) *B. V. D. Santheuvel.*
(L. S.) *P. V. Bleiſwyk.*
(L. S.) *W. C. H. Van Lynden.*
(L. S.) *D. I. Van Heeckeren.*
(L. S.) *Joan Van Kuffeler.*
(L. S.) *F. G. Van Dedem, tot den Gelder.*
(L. S.) *H. Tjaſſens.*

ORIGINAL.

CONVENTION

Between the Lords *the* States General *of the* United Netherlands, *and the* United States *of* America, *concerning Veſſels re-captured.*

THE Lords the States General of the United Netherlands, and the United States of America, being inclined to eſtabliſh ſome uniform principles with relation to prizes made by veſſels of war, and commiſſioned by the two contracting powers, upon their common enemies, and to veſſels of the ſubjects of either party, captured by the enemy, and re-captured by veſſels of war commiſſioned by either party, have agreed upon the following articles.

ARTICLE I.

When veſſels of either nation ſhall be re-captured how they ſhall be reſtored.

The veſſels of either of the two nations re-captured by the privateers of the other, ſhall be reſtored to the firſt proprietor, if ſuch veſſels have not been four and twenty hours in the power of the enemy, provided the owner of the veſſel re-captured, pay therefor one third of the value of the veſſel, as alſo of that of the cargo, the cannons and apparel, which third ſhall be valued by agreement, between the parties intereſted; or, if they cannot agree thereon among themſelves, they ſhall addreſs themſelves to the officers of the admiralty, of the place where the privateer who has re-taken the veſſel ſhall have conducted her.

ORIGINAL.

CONVENTIE

Tuſſchen de Heeren Staten Generaal *der* Vereenigde Nederlanden *en* Vereenigde Staten *van* America, *rakende de hernomen Scheepen.*

DE Heeren Staten Generaal der Vereenigde Nederlanden, en Vereenigde Staten van America, geneegen ſynde, eenige gelykvormige grond beginzelen vaſt te ſtellen, omtrent het opbrengen van pryſen, door de oorlogſcheepen en commiſſievaarders van wederſyds contracteerende parthyen, op derſelver gemeene vyanden genomen, en omtrent de ſcheepen van elkanders onderdanen, door den vyand genomen, en by de oorlogſcheepen en commiſſievaarders van weederzyden hernomens zyn met den anderen over eengekomen, omtrent de navolgende articulen.

ARTICLE I.

De ſcheepen van eene der beide natien door kapers van den andere hernomen, zullen aan den eerſten eigenaer wedergegeeven worden, indien die ſcheepen nog geen vier en twintig uuren in de magt van den vyand geweeſt zyn, mits door den eigenaer van het hernoome ſchip daar voor betaald worde een derde van de waarde van het ſchip mitſgaders van de laading, canons, en ſcheepſtoeruſtingen, welk derde in der minne begroot zal worden door de geintereſſeerde parthyen; of anderſints, en zoo zy deſweegens niet over een konden komen, zullen zy zich adreſſeeren aan de bedienden der admiraliteit van de plaats alwaar de kaper die het ſchip hernomen heeft, het zelve zal hebben opgebracht.

ARTICLE II.

When they ſhall belong to the re-captor.

If the veſſel re-captured has been more than twenty-four hours in the power of the enemy, ſhe ſhall belong entirely to the privateer who has re-taken her.

ARTICLE III.

When re-captured by veſſels of war, they ſhall be reſtored.

In caſe a veſſel ſhall have been re-captured by a veſſel of war, belonging to the States-General of the United Netherlands, or to the United States of America, ſhe ſhall be reſtored to the firſt owner, he paying a thirtieth part of the value of the ſhip, her cargo, cannons and apparel, if ſhe has been re-captured in the interval of twenty-four hours, and the tenth part if ſhe has been re-captured after the twenty-four hours; which ſums ſhall be diſtributed in form of gratifications to the crews of the veſſels which ſhall have re-taken her. The valuation of the ſaid thirtieth parts and tenth parts, ſhall be regulated according to the tenor of the firſt article of the preſent convention.

ARTICLE IV.

Reſtitution to be made in reaſonable time.

The reſtitution of prizes, whether they may have been retaken by veſſels of war or by privateers, in the mean time and until requiſite and ſufficient proofs can be given of the property of veſſels re-captured, ſhall be admitted in a reaſonable time, under ſufficient ſureties for the obſervation of the aforeſaid articles.

ARTICLE V.

The veſſels of war and privateers, of one and of the other of the two nations, ſhall be reciprocally, both in Europe and in the other parts of the world, admitted in the reſpective ports

ARTICLE II.

Indien het hernomen ſchip langer dan vier en twintig uuren in's vyands magt geweeſt is, zal het in't geheel aan den kaper, die het zelve hernomen heeft, toebehooren.

ARTICLE III.

Ingevalle een ſchip zal hernomen geweeſt zyn door een oorlog-ſchip of vaartuig, toebehoorende aan de Staten Generaal der Vereenigde Nederlanden of aan de Vereenigde Staten van America, zal het zelve aan den eerſten eigenaer wedergegeeven worden, mits betalende een dertigſte gedeelte van de waarde van het ſchip en deſzelfs laading, canons, en ſcheepſtoeruſtingen, by aldien het binnen de vier en twintig uuren hernomen is, en het tiende gedeelte zoo het naa de vier en twintig uuren hernomen is: welke ſommen als een gratificatie verdeeld zullen worden onder de equipagien van de ſcheepen die het zelve hernomen zullen hebben. De begroting der bovengemelde dertigſte, en tiende gedeeltens zal gereguleerd worden naar luid van het eerſte articul der jegenſwoordige conventie.

ARTICLE IV.

De reſtitutie der pryzen het zy door oorlog-ſcheepen of kapers hernomen, zal ondertuſſchen en tot dat behoorlyk en voldoende bewys van dat eigendom der hernomen ſcheepen gegeeven kan werden, onder ſuffiſante cautie wegens het nakomen der bovenſtaande articulen, binnen een redelyken tyd geadmitteert werden.

ARTICLE V.

De oorlog en kaper ſcheepen van de eene en de andere der beide natien zullen wederzyds, zoo in Europa als in de andere wereldſdeelen in elkanders reſpective havens toegelaten worden met hunne pryzen, welke aldaar

of each, with their prizes, which may be unloaded and ſold according to the formalities uſed in the ſtate where the prize ſhall have been conducted, as far as may be conſiſtent with the twenty-ſecond article of the treaty of commerce: Provided always, That the legality of prizes by the veſſels of the Low Countries, ſhall be decided conformably to the laws and regulations eſtabliſhed in the United Netherlands; as likewiſe, that of prizes made by American veſſels, ſhall be judged according to the laws and regulations determined by the United States of America.

Veſſels of war and privateers to be admitted with their prizes into the ports of both nations.

ARTICLE VI.

Moreover, it ſhall be free for the States-General of the United Netherlands, as well as for the United States of America, to make ſuch regulations as they ſhall judge neceſſary, relative to the conduct which their reſpective veſſels and privateers ought to hold in relation to the veſſels which they ſhall have taken and conducted into the ports of the two powers.

Each nation may make regulations.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Miniſter Plenipotentiary of the United States of America, have, in virtue of our reſpective authorities and full powers, ſigned theſe preſents, and confirmed the ſame with the ſeal of our arms.

Done at the Hague, the eighth of October, one thouſand ſeven hundred and eighty-two.

(L. S.) *John Adams.*

zullen mogen ontladen en verkocht worden; naar de formaliteiten gebruikelyk in den ſtaat, alwaar de prys zal weezen opgebragt; ſoo verre het beſtaanbaar is met het 22ſte articul van het tractaat van commercie; met dien verſtande, dat de wettigheid der pryſen door Nederlandſche ſcheepen gemaakt zal beſliſt worden, naar luid der wetten en reglementen, ter deezer zake in de Vereenigde Neederlanden, vaſt geſteld, gelyk ook die der pryzen door Americaanſche ſcheepen gemaakt, zal beoordeelt worden volgens de wetten en reglementem by de Vereenigde Staten van America bepaald.

ARTICLE VI.

Voor het overige zal het aan de Staten Generaal der Vereenigde Nederlanden, als meede aan de Vereenigde Staten van America vry ſtaan, zodanige reglementen te maken als zy zullen oordeelen te behooren; met betrekking tot het gedrag't geen hunne ſcheepen en kapers weederſyds verpligt zullen weezen te houden, ten opzigt der ſcheepen die zy genomen, en opgebragt zullen hebben in de havens der beide mogendheeden.

Ten oirkonde deezes, hebben Wy Gedeputeerden en Plenipotentiariſſen van de Heeren Staten Generaal der Vereenigde Nederlanden, en Miniſter Plenipotentiaris der Vereenigde Staten van America, uyt kragt van onze reſpective authoriſatie en plein pouvoir, deeze onderteekent en met onze gewoone cachetten bekragtigt.

Gedaan in's Hage, den agtſten October, een duyſent ſeeven houdert twee en tagtig.

(L. S.) *George Van Randwyck.*
(L. S.) *B. V. D. Santheuvel.*
(L. S.) *P. V. Bleiſwyk.*
(L. S.) *W. C. H. Van Lynden.*
(L. S.) *D. J. Van Heeckeren.*
(L. S.) *Joan Van Kuffeler.*
(L. S.) *F. G. Van Dedem, tot den Gelder.*
(L. S.) *H. Tjaſſens.*

ORIGINAL.

Provisional Articles

BETWEEN THE

UNITED STATES OF AMERICA,

AND

HIS BRITANNIC MAJESTY.

ARTICLES

Agreed upon, by and between Richard Oswald, Esquire, the Commissioner of His Britannic Majesty, for treating of Peace with the Commissioners of the United States of America, in Behalf of his said Majesty, on the one Part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States, for treating of Peace with the Commissioner of His said Majesty, on their Behalf, on the other Part, to be inserted in, and to constitute the Treaty of Peace, proposed to be concluded between the Crown of Great-Britain and the said United States; but which Treaty is not to be concluded until Terms of a Peace shall be agreed upon between Great-Britain and France; and His Britannic Majesty shall be ready to conclude such Treaty accordingly.

WHEREAS reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states; it is agreed to form the articles of the proposed

treaty, on ſuch principles of liberal equity and reciprocity, as that partial advantages (thoſe ſeeds of diſcord) being excluded, ſuch a beneficial and ſatisfactory intercourſe between the two countries may be eſtabliſhed, as to promiſe and ſecure to both perpetual peace and harmony.

ARTICLE I.

United States acknowledged to be free, ſovereign and independent.

His Britannic Majeſty acknowledges the ſaid United States, viz. New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, ſovereign and independent States; that he treats with them as ſuch; and for himſelf, his heirs and ſucceſſors, relinquiſhes all claims to the government, propriety and territorial rights of the ſame, and every part thereof. And that all diſputes which might ariſe in future, on the ſubject of the boundaries of the ſaid United States may be prevented, it is hereby agreed and declared, that the following are, and ſhall be their boundaries, viz.

ARTICLE II.

Boundaries eſtabliſhed.

From the north-weſt angle of Nova-Scotia, viz. that angle which is formed by a line, drawn due north from the ſource of St. Croix river to the Highlands; along the ſaid Highlands which divide thoſe rivers, that empty themſelves into the river St. Lawrence, from thoſe which fall into the Atlantic ocean, to the northweſternmoſt head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due weſt on ſaid lati-

tude, until it ſtrikes the river Iroquois Ca- Boundaries
taraquy; thence along the middle of ſaid ri- eſtabliſhed.
ver into Lake Ontario, through the middle of ſaid lake until it ſtrikes the communication by water between that lake and Lake Erie; thence along the middle of ſaid communication into Lake Erie, through the middle of ſaid lake until it arrives at the water-communication between that lake and Lake Huron; thence along the middle of ſaid water-communication into the Lake Huron; thence through the middle of ſaid lake to the water-communication between that lake and Lake Superior; thence through Lake Superior northward of the iſles Royal and Philipeaux, to the Long Lake; thence through the middle of ſaid Long Lake, and the water-communication between it and the Lake of the Woods, to the ſaid Lake of the Woods; thence through the ſaid lake to the moſt north-weſtern point thereof, and from thence on a due weſt courſe to the river Miſſiſippi; thence by a line to be drawn along the middle of the ſaid river Miſſiſippi until it ſhall interſect the northernmoſt part of the thirty-firſt degree of north latitude. South by a line to be drawn due eaſt from the determination of the line laſt mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouchi; thence along the middle thereof to its junction with the Flint river; thence ſtraight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. Eaſt by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its ſource, and from its ſource directly north to the aforeſaid Highlands which divide the

rivers that fall into the Atlantic ocean, from thoſe which fall into the river St. Lawrence; comprehending all iſlands within twenty leagues of any part of the ſhores of the United States, and lying between lines to be drawn due eaſt from the points where the aforeſaid boundaries between Nova-Scotia on the one part, and Eaſt-Florida on the other, ſhall reſpectively touch the Bay of Fundy and the Atlantic ocean; excepting ſuch iſlands as now are, or heretofore have been within the limits of the ſaid province of Nova-Scotia.

ARTICLE III.

Right of fiſhery ſecured.

It is agreed that the people of the United States ſhall continue to enjoy unmoleſted the right to take fiſh of every kind on the Grand Bank, and on all the other banks of Newfoundland; alſo in the gulph of St. Lawrence, and at all other places in the ſea, where the inhabitants of both countries uſed at any time heretofore to fiſh; and alſo that the inhabitants of the United States ſhall have liberty to take fiſh of every kind on ſuch part of the coaſt of Newfoundland as Britiſh fiſhermen ſhall uſe (but not to dry or cure the ſame on that iſland); and alſo on the coaſts, bays and creeks of all other of his Britannic Majeſty's dominions in America; and that the American fiſhermen ſhall have liberty to dry and cure fiſh in any of the unſettled bays, harbours and creeks of Nova-Scotia, Magdalen iſlands, and Labrador, ſo long as the ſame ſhall remain unſettled; but ſo ſoon as the ſame or either of them ſhall be ſettled, it ſhall not be lawful for the ſaid fiſhermen to dry or cure fiſh at ſuch ſettlement, without a previous agreement for that purpoſe with the inhabitants, proprietors or poſſeſſors of the ground.

ARTICLE IV.

It is agreed that creditors on either ſide, ſhall meet with no lawful impediment to the recovery of the full value in ſterling money, of all bona fide debts heretofore contracted. Debts to be paid.

ARTICLE V.

It is agreed that the Congreſs ſhall earneſtly recommend it to the legiſlatures of the reſpective ſtates, to provide for the reſtitution of all eſtates, rights and properties, which have been confiſcated, belonging to real Britiſh ſubjects, and alſo of the eſtates, rights and properties of perſons reſident in diſtricts in the poſſeſſion of his Majeſty's arms, and who have not borne arms againſt the ſaid United States. And that perſons of any other deſcription ſhall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmoleſted in their endeavours to obtain the reſtitution of ſuch of their eſtates, rights and properties, as may have been confiſcated; and that Congreſs ſhall alſo earneſtly recommend to the ſeveral ſtates a reconſideration and reviſion of all acts or laws regarding the premiſes, ſo as to render the ſaid laws or acts perfectly conſiſtent, not only with juſtice and equity, but with that ſpirit of conciliation, which on the return of the bleſſings of peace ſhould univerſally prevail. And that Congreſs ſhall alſo earneſtly recommend to the ſeveral ſtates, that the eſtates, rights and properties of ſuch laſt mentioned perſons, ſhall be reſtored to them, they refunding to any perſons who may be now in poſſeſſion, the bona fide price (where any has been given) which ſuch perſons may have paid on purchaſing any of the ſaid lands, rights or properties, ſince the com- Congreſs to recommend to the ſtates, reſtitution of confiſcated eſtates.

tification. And it is agreed, that all perſons who have any intereſt in confiſcated lands, either by debts, marriage ſettlements, or otherwiſe, ſhall meet with no lawful impediment in the proſecution of their juſt rights.

ARTICLE VI.

No further confiſcations or proſecutions.

That there ſhall be no future confiſcations made, nor any proſecutions commenced againſt any perſon or perſons for, or by reaſon of the part which he or they may have taken in the preſent war; and that no perſon ſhall on that account, ſuffer any future loſs or damage, either in his perſon, liberty or property, and that thoſe who may be in confinement on ſuch charges, at the time of the ratification of the treaty in America, ſhall be immediately ſet at liberty, and the proſecutions ſo commenced be diſcontinued.

ARTICLE VII.

Hoſtilities to ceaſe, & Britiſh armies to be withdrawn.

There ſhall be a firm and perpetual peace between his Britannic Majeſty and the ſaid States, and between the ſubjects of the one and the citizens of the other, wherefore all hoſtilities both by ſea and land ſhall then immediately ceaſe: all priſoners on both ſides ſhall be ſet at liberty, and his Britannic Majeſty ſhall with all convenient ſpeed, and without cauſing any deſtruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garriſons, and fleets from the ſaid United States, and from every port, place and harbour within the ſame; leaving in all fortifications the American artillery that may be therein; and ſhall alſo order and cauſe all archives, records, deeds and papers, belonging to any of the ſaid ſtates, or their citizens, which in the courſe of the war may have fallen into the hands of

his officers, to be forthwith reſtored and delivered to the proper ſtates and perſons to whom they belong.

ARTICLE VIII.

The navigation of the river Miſſiſippi, from its ſource to the ocean, ſhall for ever remain free and open to the ſubjects of Great-Britain, and the citizens of the United States.

Navigation of the Miſſiſippi to be free to both nations.

ARTICLE IX.

In caſe it ſhould ſo happen that any place or territory belonging to Great-Britain or to the United States, ſhould be conquered by the arms of either from the other, before the arrival of theſe articles in America, it is agreed, that the ſame ſhall be reſtored without difficulty, and without requiring any compenſation.

Conqueſts before arrival of theſe articles in America to be reſtored.

DONE at PARIS, *the thirtieth day of November, in the year one thouſand ſeven hundred and eighty-two.*

RICHARD OSWALD, (L. S.)
JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)
JOHN JAY, (L. S.)
HENRY LAURENS, (L. S.)

Witneſs,

CALEB WHITEFOORD, *Secretary to the Britiſh Commiſſion.*

W. T. FRANKLIN, *Secretary to the American Commiſſion.*

ORIGINAL.

DEFINITIVE TREATY

OF

PEACE

BETWEEN THE

UNITED STATES OF AMERICA

AND

HIS BRITANNIC MAJESTY.

In the Name of the Moſt Holy and Undivided Trinity.

IT having pleaſed the Divine Providence to diſpoſe the hearts of the moſt ſerene and moſt potent Prince GEORGE the Third, by the Grace of God King of Great-Britain, France and Ireland, Defender of the Faith, Duke of Brunſwick and Lunenburg, Arch-Treaſurer and Prince Elector of the Holy Roman Empire, &c. and of the UNITED STATES OF AMERICA, to forget all paſt miſunderſtandings and differences that have unhappily interrupted the good correſpondence and friendſhip which they mutually wiſh to reſtore; and to eſtabliſh ſuch a beneficial and ſatisfactory intercourſe between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and ſecure to both perpetual peace and harmony: And having for this deſirable end, already laid the foundation of peace and reconciliation, by the proviſional articles, ſigned at Paris, on the

thirtieth of November, one thouſand ſeven hundred and eighty-two, by the commiſſioners empowered on each part, which articles were agreed to be inſerted in, and to conſtitute the treaty of peace propoſed to be concluded between the crown of Great-Britain and the ſaid United States, but which treaty was not to be concluded until terms of peace ſhould be agreed upon between Great-Britain and France, and his Britannic Majeſty ſhould be ready to conclude ſuch treaty accordingly; and the treaty between Great-Britain and France, having ſince been concluded, his Britannic Majeſty and the United States of America, in order to carry into full effect the proviſional articles abovementioned, according to the tenor thereof, have conſtituted and appointed, that is to ſay, His Britannic Majeſty on his part, David Hartley, Eſquire, Member of the Parliament of Great-Britain; and the ſaid United States on their part, John Adams, Eſquire, late a Commiſſioner of the United States of America at the Court of Verſailles, late Delegate in Congreſs from the ſtate of Maſſachuſetts, and Chief Juſtice of the ſaid ſtate, and Miniſter Plenipotentiary of the ſaid United States to their High Mightineſſes the States General of the United Netherlands; Benjamin Franklin, Eſquire, late Delegate in Congreſs from the ſtate of Pennſylvania, Preſident of the Convention of the ſaid ſtate, and Miniſter Plenipotentiary from the United States of America at the Court of Verſailles; John Jay, Eſquire, late Preſident of Congreſs, and Chief Juſtice of the ſtate of New-York, and Miniſter Plenipotentiary from the ſaid United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and

ſigning the preſent definitive treaty; who after having reciprocally communicated their reſpective full powers, have agreed upon and confirmed the following articles.

ARTICLE I.

His Britannic Majeſty acknowledges the ſaid United States, viz. New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland and Providence Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, ſovereign and independent States; that he treats with them as ſuch; and for himſelf, his heirs and ſucceſſors, relinquiſhes all claims to the government, propriety and territorial rights of the ſame, and every part thereof.

United States acknowledged to be independent.

ARTICLE II.

And that all diſputes which might ariſe in future, on the ſubject of the boundaries of the ſaid United States may be prevented, it is hereby agreed and declared, that the following are, and ſhall be their boundaries, viz. From the north-weſt angle of Nova-Scotia, viz. that angle which is formed by a line, drawn due north from the ſource of Saint Croix river to the Highlands; along the ſaid Highlands which divide thoſe rivers, that empty themſelves into the river St. Lawrence, from thoſe which fall into the Atlantic Ocean, to the northweſternmoſt head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due weſt on ſaid latitude, until it ſtrikes the river Iroquois or Cataraquy; thence along the middle of ſaid river into Lake Ontario, through the middle of ſaid lake until

Boundaries eſtabliſhed.

Boundaries established. it ſtrikes the communication by water between that lake and Lake Erie; thence along the middle of ſaid communication into Lake Erie, through the middle of ſaid lake until it arrives at the water-communication between that lake and Lake Huron; thence along the middle of ſaid water-communication into the Lake Huron; thence through the middle of ſaid lake to the water-communication between that lake and Lake Superior; thence through Lake Superior northward of the iſles Royal and Philipeaux, to the Long Lake; thence through the middle of ſaid Long Lake, and the water communication between it and the Lake of the Woods, to the ſaid Lake of the Woods; thence through the ſaid Lake to the moſt north-weſtern point thereof, and from thence on a due weſt courſe to the river Miſſiſippi; thence by a line to be drawn along the middle of the ſaid river Miſſiſippi until it ſhall interſect the northernmoſt part of the thirty-firſt degree of north latitude. South by a line to be drawn due eaſt from the determination of the line laſt mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence ſtraight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. Eaſt by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its ſource, and from its ſource directly north to the aforeſaid Highlands which divide the rivers that fall into the Atlantic ocean, from thoſe which fall into the river St. Lawrence: comprehending all iſlands within twenty leagues of any part of

the ſhores of the United States, and lying between lines to be drawn due eaſt from the points where the aforeſaid boundaries between Nova-Scotia on the one part, and Eaſt-Florida on the other, ſhall reſpectively touch the Bay of Fundy and the Atlantic ocean; excepting ſuch iſlands as now are, or heretofore have been within the limits of the ſaid province of Nova-Scotia.

ARTICLE III.

Right of fiſhery for cured.

It is agreed that the people of the United States ſhall continue to enjoy unmoleſted the right to take fiſh of every kind on the Grand Bank, and on all the other banks of Newfoundland; alſo in the gulph of St. Lawrence, and at all other places in the ſea, where the inhabitants of both countries uſed at any time heretofore to fiſh; and alſo, that the inhabitants of the United States ſhall have liberty to take fiſh of every kind on ſuch part of the coaſt of Newfoundland as Britiſh fiſhermen ſhall uſe (but not to dry or cure the ſame on that iſland); and alſo on the coaſts, bays and creeks of all other of his Britannic Majeſty's dominions in America; and that the American fiſhermen ſhall have liberty to dry and cure fiſh in any of the unſettled bays, harbours and creeks of Nova-Scotia, Magdalen iſlands, and Labrador, ſo long as the ſame ſhall remain unſettled; but ſo ſoon as the ſame or either of them ſhall be ſettled, it ſhall not be lawful for the ſaid fiſhermen to dry or cure fiſh at ſuch ſettlement, without a previous agreement for that purpoſe with the inhabitants, proprietors or poſſeſſors of the ground.

ARTICLE IV.

It is agreed that creditors on either ſide, ſhall meet with no lawful impediment to the

Debts to be paid.

recovery of the full value in ſterling money, of all bona fide debts heretofore contracted.

ARTICLE V.

Congreſs to recommend to the ſtates reſtitution of confiſcated eſtates.

It is agreed that the Congreſs ſhall earneſtly recommend it to the legiſlatures of the reſpective ſtates, to provide for the reſtitution of all eſtates, rights and properties, which have been confiſcated, belonging to real Britiſh ſubjects, and alſo of the eſtates, rights and properties of perſons reſident in diſtricts in the poſſeſſion of his Majeſty's arms, and who have not borne arms againſt the ſaid United States. And that perſons of any other deſcription ſhall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmoleſted in their endeavours to obtain the reſtitution of ſuch of their eſtates, rights and properties, as may have been confiſcated; and that Congreſs ſhall alſo earneſtly recommend to the ſeveral ſtates a reconſideration and reviſion of all acts or laws regarding the premiſes, ſo as to render the ſaid laws or acts perfectly conſiſtent, not only with juſtice and equity, but with that ſpirit of conciliation, which on the return of the bleſſings of peace ſhould univerſally prevail. And that Congreſs ſhall alſo earneſtly recommend to the ſeveral ſtates, that the eſtates, rights and properties of ſuch laſt mentioned perſons ſhall be reſtored to them, they refunding to any perſons who may be now in poſſeſſion, the bona fide price (where any has been given) which ſuch perſons may have paid on purchaſing any of the ſaid lands, rights or properties, ſince the confiſcation. And it is agreed, that all perſons who have any intereſt in confiſcated lands, either by debts, marriage ſettlements,

or otherwiſe, ſhall meet with no lawful impediment in the proſecution of their juſt rights.

ARTICLE VI.

That there ſhall be no future confiſcations made, nor any proſecutions commenced againſt any perſon or perſons for, or by reaſon of the part which he or they may have taken in the preſent war; and that no perſon ſhall, on that account, ſuffer any future loſs or damage, either in his perſon, liberty or property; and that thoſe who may be in confinement on ſuch charges, at the time of the ratification of the treaty in America, ſhall be immediately ſet at liberty, and the proſecutions ſo commenced be diſcontinued.

No further confiſcations or proſecutions.

ARTICLE VII.

There ſhall be a firm and perpetual peace between his Britannic Majeſty and the ſaid States, and between the ſubjects of the one and the citizens of the other, wherefore all hoſtilities, both by ſea and land, ſhall from henceforth ceaſe: all priſoners on both ſides ſhall be ſet at liberty, and his Britannic Majeſty ſhall, with all convenient ſpeed, and without cauſing any deſtruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garriſons and fleets from the ſaid United States, and from every poſt, place and harbour within the ſame; leaving in all fortifications the American artillery that may be therein; and ſhall alſo order and cauſe all archives, records, deeds and papers, belonging to any of the ſaid ſtates, or their citizens, which in the courſe of the war may have fallen into the hands of his officers, to be forthwith reſtored and delivered to the proper ſtates and perſons to whom they belong.

Hoſtilities to ceaſe, & Britiſh armies to be withdrawn.

ARTICLE VIII.

Navigation of the Miſſiſippi to be free to both nations.

The navigation of the river Miſſiſippi, from its ſource to the ocean, ſhall for ever remain free and open to the ſubjects of Great-Britain, and the citizens of the United States.

ARTICLE IX.

Conqueſts before arrival of theſe articles in America, to be reſtored.

In caſe it ſhould ſo happen that any place or territory belonging to Great-Britain or to the United States, ſhould have been conquered by the arms of either from the other, before the arrival of the ſaid proviſional articles in America, it is agreed, that the ſame ſhall be reſtored without difficulty, and without requiring any compenſation.

ARTICLE X.

Ratification.

The ſolemn ratifications of the preſent treaty, expedited in good and due form, ſhall be exchanged between the contracting parties, in the ſpace of ſix months, or ſooner if poſſible, to be computed from the day of the ſignature of the preſent treaty. In witneſs whereof, we the underſigned, their Miniſters Plenipotentiary, have in their name and in virtue of our full powers, ſigned with our hands the preſent definitive treaty, and cauſed the ſeals of our arms to be affixed thereto.

DONE at Paris, this third day of September, in the year of our Lord one thouſand ſeven hundred and eighty-three.

D. HARTLEY, (L. S.)
JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)
JOHN JAY, (L. S.)

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PRINTING

Done with Expedition and Care, by

RICHARD FOLWELL,

No. 33, Carter's Alley.